

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 13th September 1946.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Labour legislation in the Province.

* 80 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether there is any legislation in force in this Province regulating the hours of work, etc., in shops and establishments including commercial firms;

(b) if the answer to (a) is in the affirmative what the nature of such legislation is;

(c) if the answer to (a) is in the negative, whether the Government have under consideration any legislation on this subject; and

(d) whether the Government have any information about such legislation existing in other Provinces and the conventions and recommendations of International Labour Organization in respect of these undertakings?

THE HON. SRI K. R. KARANTH (on behalf of The Hon. Sri V. V. Giri):—“(a) No, Sir.

“(b) Does not arise.

“(c) The question of introducing legislation on this subject is under consideration.

“(d) The Government are aware of the existence of such legislation in other Provinces such as Bombay, the Punjab, Bengal and Sind. They are also aware of the recommendations of the International Labour Organization.”

SRI P. R. K. SARMA :—“Is there not the Shop Assistants Act in force in this Province?”

THE HON. SRI K. R. KARANTH :—“I want notice, Sir.”

SRI P. R. K. SARMA :—“I heard the Hon. the Minister to say that there is no legislation in force in this Province regulating the hours of work, etc. As far as I am aware, there is an Act in force. May I know whether it is not a fact?”

THE HON. SRI K. R. KARANTH :—“The answer put down here, Sir, is ‘No.’ Evidently what was thought was that the question referred to Provincial legislation. The shop Assistants Act is not a Provincial legislation.”

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Location of Government Stationery Stores, Madras.

* 81 Q.—SRI P. R. K. SARMA : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government Stationery Stores is now located at Guindy in the Narsu Gardens;

(b) who the authorities in charge of the Stores are;

(c) where the offices of the Superintendent and the Assistant Superintendent of the Government Stationery Stores are located actually;

(d) whether the administration of the stores has not suffered by its being located in one place, when its Superintendent and Assistant Superintendent have their office elsewhere;

(e) whether the Government Stationery Stores will be moved back to the City and, if so, when; and

(f) what the expenditure to the Government is on account of the removal of the Government Stationery Stores to Guindy?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) Yes.

“(b) The Superintendent of Stationery and the Assistant Superintendent of Stationery.

“(c) The Superintendent and the Assistant Superintendent have their offices in the Old High Court Buildings, First Line Beach, Madras.

“(d) Delays naturally occur, which are unavoidable. Excepting this there has not been much administrative inconvenience.

“(e) The godowns of the Stationery Stores are now used by the Commissioner of Civil Supplies for storing food-grains. As soon as the godowns are vacated by the Commissioner of Civil Supplies the Stationery Stores will be brought back.

“(f) The initial expenditure on account of the removal of the Stores to Guindy was Rs. 18,895. The recurring expenditure is as follows :—

	Per mensem.
	RS.
Rent of the buildings occupied by the Stationery Offices and Stores	810
Season tickets to Store employees (about)	150
Conveyance allowance to Assistant Superintendent	50
Rent for godown at First Line Beach	150
Expenditure on account of carting of stores .. (about)	2,500 ”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ In view of the abnormal expenditure, is it not possible to get some other accommodation instead of waiting till the Government Stationery Stores is vacated?”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—
 “ Unfortunately, Sir, we are not able to find some other accommodation here. There is a great deal of inconvenience in bringing it back now to its original accommodation or to any other accommodation in the city.”

Elementary schools in South Kanara.

* 82 Q.—SRI D. MANJAYA HEGDE : Will the Hon. the Minister for Education be pleased to state—

(a) how many elementary schools are maintained for educating the boys in the interior villages of Puttur, Karkal, Coondapoor and Kasaragod taluks in South Kanara district and where;

(b) how many of these schools are working and what is the strength of each school;

(c) how many of these schools belong to the panchayat and how many to the district board;

(d) how much grant is paid to these panchayat schools;

(e) how many villages in the Puttur, Karkal and Coondapoor taluks are without primary schools especially in the interior parts of these taluks;

(f) what is the number of school-going children in these villages; and

(g) what arrangement is being made to educate the children of these villages by the Government or by the district board?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ (a) to (d) The Hon. Member is referred to the answer to question No. 20.

“ (e) to (g) The information has been called for and will be placed on the table of the House when received.”

Allotment for Harijan uplift.

* 83 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Information be pleased to state—

(a) whether Government have framed proposals to utilize the sum of one crore of rupees provided in the Budget for 1946–47 for Harijan uplift;

(b) whether the Government have indicated their tentative proposals and invited the opinions of Collectors;

(c) if so, whether the Collectors have been asked to obtain the views of the District Advisory Committees and communicate the same to Government;

(d) what the reaction of the District Advisory Committees is to the Government's proposals; and

(e) whether the Government propose to publish their proposals, invite criticism and finalise their scheme?

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THE HON. SRI T. PRAKASAM (on behalf of the Hon. Sri V. Kurmayya):—“(a) Yes.

“(b) Not yet.

“(c) to (e) Does not arise.”

SRI R. SURYANARAYANA RAO:—“With reference to the answers to clauses (c) to (e), may I invite the attention of the Hon. the Premier to the fact that a communication has been sent to the Collectors of districts and that they have invited the opinion of the District Advisory Committees. May I know what the nature of the communication was?”

THE HON. SRI T. PRAKASAM:—“I may submit, Sir, that hon. Members of the House may avoid having recourse to the cross-examination methods like this, but straightaway say what they know and put supplementary questions. Now, the hon. Member says that some communications have been sent to the Collectors. Naturally communications might have been sent to Collectors after so much debate in both Houses on that matter of one crore of rupees allotted for Harijan uplift. I cannot tell the hon. Member now what exactly the communication is about. I shall let him know later.”

MR. PRESIDENT:—“May I draw the attention of the Hon. the Premier that the answer given by him to the hon. Member is a little different from the answer furnished to me here?”

THE HON. SRI T. PRAKASAM:—“I know it Sir, and I wanted to change the answer. I should apologise to you, Sir, for not having furnished you with the revised answer. I have found it only after looking at the answer myself. I am very sorry that this had not been noticed by the Hon. Mr. Kurmayya himself.”

Grant of one crore of rupees for Harijan uplift.

* 70-B Q.—SRI H. M. JAGANNATHAM: Will the Hon. Prime Minister be pleased to state with regard to the statement made on the floor of the Assembly on Wednesday afternoon regarding the grant of one crore of rupees to be spent on Harijan uplift for the benefit of Adi-Dravidas and Adi-Andhras and not of other scheduled castes who the Adi-Dravidas and Adi-Andhras are?

THE HON. SRI T. PRAKASAM:—“Adi-Andhras include Arundathiyas or Madigas, scavengers, Maladasus and Madigadasus; Adi-Dravidas mean all the untouchables living in Tamilnad or Tamil-speaking districts.”

SRI H. M. JAGANNATHAM:—“Do they not include Cherumas and Holiyas, Sir?”

THE HON. SRI T. PRAKASAM:—“I believe so, Sir.”

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MR. K. O. ANTHONI:—“ In view of the fact that in the matter of giving scholarships and boarding grants, converts to Christianity from Harijans have been included in the terms Adi-Andhras and Adi-Dravidas, will the hon. the Premier consider the desirability of examining the question of inclusion of converts to Christianity for this purpose also?”

THE HON. SRI T. PRAKASAM :—“ No, Sir.”

Establishment of the Legislature Secretariat.

* 84 Q.—SRI R. SURYANARAYANA RAO :—“ Will the Hon. the Prime Minister be pleased to state—

(a) whether the pay of the officers and establishment of the Legislative Department is the same as that of officers of the same category and of similar establishment in the other departments of the Secretariat;

(b) whether their recruitment, appointment, leave and pension are governed by the same rules as those of the other sections of the Secretariat;

(c) whether this branch of administration received the consideration of the Salaries Committee, and, if so, what were their recommendations;

(d) if the answer to (b) is in the negative, whether the Government have at any time considered the desirability of raising the status and emoluments of the officers, and of the establishment at least approximate to those of the other branches of the Secretariat;

(e) whether any temporary staff is recruited during the sessions of the Legislature; and

(f) whether there is a proposal to increase the permanent staff to avoid the need for temporary establishment paid from the contingencies?”

THE HON. SRI T. PRAKASAM :—“ (a) A comparative statement^a of the pay of officers and establishment is placed on the Table. It will be seen that while the pay of officers is not the same, that of the establishment of the same category is the same.

“ (b) The rules governing recruitment and appointment are different.

“ As regards leave, the Legislature Secretariat is treated as a vacation department, while the main Secretariat is not so treated. The amount of leave earned by the staff of the Legislature Secretariat under Fundamental Rules will be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation and by 45 or 30 days according as he earns leave under Madras Leave Rules, 1933, at the rate of one-seventh or one-eleventh of the period spent on duty.

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- "The pension rules in the Civil Service Regulations govern alike the Legislature Secretariat and the main Secretariat.
- "(c) The Legislature Secretariat was considered by the Salaries Committee. Its recommendations are given in the appended statement."
- "(d) The question does not arise in respect of the establishment.
- "As regards officers, the Government fixed the present rates of pay as not inadequate for the duties involved and as not incompatible with the dignity of the posts.
- "(e) Yes. Some temporary establishment paid from lump allotment is engaged for short periods in connexion with the meetings of the Legislature.
- "(f) The work allotted to the temporary staff is of a temporary nature and of very minor importance. It will be extravagant to have a permanent staff for this kind of work which will exist only during the meetings. There is no proposal to employ permanent staff in order to avoid temporary staff."

SRI B. BHIMA RAO :—" May I ask the Hon. Minister whether it is a fact that the maximum pay of a reporter here after 25 years of service is less than the minimum pay of the latest recruit in other Provinces? "

THE HON. SRI T. PRAKASAM :—" I take the information from the hon. Member."

SRI R. SURYANARAYANA RAO :—" May I know why this Department is treated as a vacation department? Now that a popular government is in office, will they have any rest as the Legislature must be meeting more often than before? "

THE HON. SRI T. PRAKASAM :—" I think we shall examine the question and do away with the distinction if it is unnecessary."

SRI B. BHIMA RAO :—" Is it a fact that in other Provinces, reporters reach their maximum within half the period which they take in this Province? "

THE HON. SRI T. PRAKASAM :—" It might be so, Sir."

SRI B. BHIMA RAO :—" May I ask whether the Government are prepared to consider the revision of the salaries of reporters in accordance with the scales prevailing in other Provinces? "

THE HON. SRI T. PRAKASAM :—" Certainly not, Sir. Conditions in each Province may differ."

MR. K. O. ANTHONI :—" Is it a fact that a number of reporters have reached their maximum and have been drawing the same pay consecutively for a number of years without any further inducement to work? "

THE HON. SRI T. PRAKASAM :—" I cannot tell the hon. Member straightaway."

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SRI R. SURYANARAYANA RAO :—“ May I ask whether the question of including the establishment of the Legislature in the Secretariat Service was ever considered, Sir? ”

THE HON. SRI T. PRAKASAM :—“ I do not know whether it was considered before. Perhaps it may be considered now, if it is not already done.”

Admission into Engineering and Medical Colleges.

* 85 Q.—K. T. M. AHMED IBRAHIM SAHIB BAHADUR : Will the Hon. the Minister for Education be pleased to state how many Muslim, Brahman, Non-Brahman, Scheduled Caste, Christian and Anglo-Indian students, respectively, were admitted in the Engineering Colleges and the Medical Colleges of the Province during each of the previous five academic years?

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ I am not putting this question as only one clause of my question has been included in the notice paper. I want all the clauses to be answered together.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ This question may be answered, Sir, inasmuch as the answer is ready. If the hon. Member wants to put some other question, I should like to have proper notice of it.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Notice has already been given a month ago.”

(The question was not put and answered.)

Alleged land speculation under the Thungabhadra project.

* 85-A Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Revenue be pleased to state when the Government hope to introduce a Bill to prevent land speculation under the Thungabhadra Project embodying the points enunciated in the Press Note of Government, dated February 7, 1946?

THE HON. SRI K. R. KARANTH :—“ The Government expects to introduce a Bill in the next sittings of the Legislature.”

MR. PRESIDENT :—“ May I know from the Hon. the Premier whether the answers to the questions put by Mr. Muthuranga Mudaliyar are ready? ”

THE HON. SRI T. PRAKASAM :—“ They are ready, Sir, with me just now. I received the answers late in the evening yesterday. If the question is taken up tomorrow, copies will be supplied to you, Mr. President.”

MR. PRESIDENT :—“ Not necessary. The question may be answered now.”

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Faction among Harijans in Sembiam area.

* 70-A Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government are aware of the existence of a faction among Harijans in the Sembiam area;

(b) whether the Government are aware that innocent Harijans not belonging to the group of the Scheduled Castes Federation are being molested by members of the latter group;

(c) whether the Government or the Collector have received complaints that adequate protection is not given to innocent victims;

(d) if the answers to (a), (b) and (c) are in the affirmative, what action the Government propose to take in the matter; and

(e) if the answers to (a), (b) and (c) are in the negative, whether the Government will call for a report?

THE HON. SRI T. PRAKASAM :—“(a) Yes.

“(b) & (c) Certain representations were received by the Government to that effect.

“(d) Report has been received by Government that necessary steps for the maintenance of law and order have been taken by the local authorities.

“(e) Does not arise.”

SRI C. N. MUTHURANGA MUDALIYAR :—“May I ask whether these unfortunate people have been unable to go back to their homes and live peacefully?”

THE HON. SRI T. PRAKASAM :—“Yes, Sir. That was the complaint received by the Government and it was on that complaint that the Commissioner of Police in charge of the City was instructed.”

SRI H. M. JAGANNATHAM :—“Is it not a fact that a member of the Scheduled Castes Federation was molested and killed by the so-called Harijans belonging to the Congress and there was a complaint about it in the Saidapet Court?”

THE HON. SRI T. PRAKASAM :—“It might be so. This sort of strife was going on between the two sections in some places.”

Leaflet issued by the Madras Communist Party.

* 70-C Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government are aware of the leaflet issued by the Madras Committee of the Indian Communist Party; and

(b) what action the Government propose to take in the matter?

THE HON. SRI T. PRAKASAM :—“(a) The attention of the Government has been drawn recently to a leaflet purported to have been issued by the Communist Party.

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“(b) With reference to the various items mentioned in the leaflet, the position briefly stated is as follows :—

‘ *Case of Murugappa & Sons.*—As there were reasons to suspect that this firm had sold their export permit and also exceeded the quantity allowed to be exported, their export quotas and their licence to deal in cloth in this Province have been cancelled. For want of adequate evidence, the Textile Control Department has not so far been able to prosecute the suspected persons. The very fuss made and publicity given by the Communists has made it extremely difficult to secure the necessary evidence for a prosecution. The Textile Control Department has not yet given up hopes of getting the evidence for a prosecution in this case and is continuing its efforts to secure evidence.

‘ *Murugappa & Sons* are not doing any business in cloth in this Province under any licence or permit granted by the Provincial authorities. Owing to legal commitments already made by the Textile Commissioner, Bombay, they have been permitted to complete their subsisting lungi contract with the Government of India.

‘ *Export of unauthorized quantities of cloth by S.S. “Quetta”.*—The investigation is still in progress, and it would seriously prejudice the chances of a successful investigation if the facts already collected are disclosed. The person who can give the most valuable clue in this case is absconding. Energetic action is being taken to complete the investigation quickly and for suitable deterrent action against the culpable persons.

‘ *Cases against Umayal Weaving Establishment.*—In two cases, this factory is alleged to have sold its export permits, the quantities actually exported on the strength of the permits being also in cases of the permissible limits. The investigation in one of these cases is nearing completion, while that of the second one is in progress. Detailed reports regarding these cases have already been submitted to the Government. If investigation in such cases is to be conducted successfully, we have to proceed in a thorough and careful fashion and conduct the inquiries as unobtrusively as possible. The Communists are under-estimating the difficulties of such inquiries and the time within which they can be carried to a successful conclusion.

‘ *Case against Hamsa Rowther and Khader Rowther.*—The investigation of this case is under progress and it will take more time as we want to book also the other and more powerful persons responsible.

‘ *Case against Kothandaram Mills, Madura.*—The Textile Control Department has already informed the mill authorities that they will be prosecuted. The charge sheet will be filed, after obtaining the orders of the Government, as soon as the investigation on an important point connected with

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this case has been completed. A report has already been submitted to the Government in regard to this case in reply to a starred question in the Legislative Assembly.

Alleged case against South India Corporation (Madras), Ltd.—No definite allegation meriting investigation has been made against this firm in regard to its utilization of permits for the export of handloom cloth from this Province.

The public will soon know that the present Government are not lacking in courage for taking suitable action in cases in which there is evidence of misconduct by persons irrespective of their wealth and social status.

Case against Lotus Mills, Coimbatore.—The Government have considered the results of the investigation in this case and their decision will be announced shortly.

Case against Sari Stores and the brother of the Textile Control Officer, Trichinopoly.—These cases are under investigation. The two most important witnesses are absconding. Energetic attempts are being made to trace them.

Case against Baluswami Ayyar.—The export quota has already been forfeited. On completion of the investigation in regard to the only remaining point, steps will be taken for prosecution and cancellation of the licence.

Case against Viswanath Prem Prakash.—The investigation in this case has been completed and the charge-sheet will be filed shortly.

Allegation against Mohanram Factory.—No offence has been committed in this case. The Communists are under a complete misapprehension as to the real position. Suitable action to regulate the supply of yarn to Mohanram Factory is being taken by the Textile Control Department. No yarn has been secreted as alleged.' "

Alleged import of paddy.

* 85-B Q.—SRI C. N. MUTHURANGA MUDALIYAR: Will the Hon. the Minister for Food and Motor Transport be pleased to state—

(a) whether there was an import of paddy to Madras from Burma recently and if so how many tons;

(b) whether a quota was allotted for the Chingleput district from the imported stock and how much;

(c) whether the entire quota for the district was handed over to the Central Co-operative Stores, Chingleput;

(d) whether the Government are aware that the Central Co-operative Stores have taken the entire paddy allotted to the taluks of Chingleput, Madurantakam and Conjeeveram;

(e) whether the Government are aware that by entrusting procurement and distribution for the district to the Central Co-operative Stores, the taluks of Saidapet, Sriperumbudur, Ponneri and Trivellore suffer from inequitable distribution; and

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(f) whether Government have received complaints against the Central Co-operative Stores?

THE HON. SRI R. RAGHAVA MENON :—“(a) Yes. A quantity of 570 tons of paddy was received.

“(b) Yes. Of the quantity specified in answer to (a) 270 tons of paddy was allotted to Chingleput district. Out of the rice shipments received from abroad in August and September 3,930 tons were allotted to Chingleput in addition to the 270 tons of paddy.

“(c) Yes. The Chingleput Wholesale Co-operative Stores are the clearing agents for all paddy and rice imported from overseas; but they are not the sole wholesalers. The entire overseas quota was handled by the Stores but part of imports from provincial sources were handled by others.

“(d) The Co-operative Wholesale Stores are the procuring agents for the Chingleput Division which comprises Chingleput, Madurantakam and Conjeeveram taluks. They also do procurement in the Saidapet and Pallikaranai firkas of Saidapet taluk. No information is available as to whether they took the entire paddy allotted to the taluks of Chingleput, Madurantakam and Conjeeveram.

“(e) The Co-operative Wholesale Stores are not the procuring agents for the taluks of Sriperumbudur, Ponneri and Trivellore. They are procuring agents only for a portion of Saidapet taluk. Complaints have been received of inequitable distribution against the Co-operative Stores. The Collector distributed local and imported stocks so as to ensure adequate stocks in all taluks.

“(f) No complaints have been received.”

SRI C. N. MUTHURANGA MUDALIYAR :—“Are the Government aware whether the Chingleput Co-operative Stores who are the suppliers for three of the taluks in the district have not given any portion of the imported paddy to these three taluk wholesalers?”

THE HON. SRI R. RAGHAVA MENON :—“The Government will look into the question and do the needful.”

SRI R. SURYANARAYANA RAO :—“Are the Government aware that the Chingleput District Wholesale Co-operative Stores is one of the best stores?”

THE HON. SRI R. RAGHAVA MENON :—“In the face of these two supplementary questions the Government are not in a position to decide.”

Promotion of Elementary Education by District Boards.

* 85-C Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state if orders have been issued to the district boards of backward districts in receipt of subsidy for the promotion of elementary education not to close

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down elementary schools pending further consideration by Government, and if so, what exactly the orders are?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Orders have been issued to the President of the Anantapur District Board not to close the schools, pending final orders of the Government on the representations.”

SRI B. BHIMA RAO :—“ May I ask whether a similar order was issued to the President, District Board, Bellary? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ No Sir.”

SRI R. SURYANARAYANA RAO :—“ Was there not also a complaint that they were forced to close down their schools? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ No, Sir.”

SRI B. BHIMA RAO :—“ May I know why a differentiation has been made between Anantapur and Bellary? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ No differentiation has been made.”

SRI R. SURYANARAYANA RAO :—“ Was not a representation made jointly by the two district boards? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Originally a representation was made jointly, but the representation regarding the closing of the schools was received only from Anantapur.”

SRI R. SURYANARAYANA RAO :—“ Will the Hon. Minister consider the desirability of informing the other district boards as well that there is no need to close the schools pending further examination? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ In the meantime the Government will be passing final orders on their representations.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MOTION UNDER RULE 15 (3) OF THE MADRAS LEGISLATIVE COUNCIL RULES.

THE HON. SRI K. R. KARANTH :—“ Mr. President, Sir, with your permission, I move—

‘ that the Madras Preservation of Private Forests Bill, 1946 (L.A. Bill No. 7 of 1946), as passed by the Legislative Assembly be taken into consideration under rule 15 (3) of the Madras Legislative Council Rules as the first item after questions on Friday, the 13th September 1946, that is just now.’

“ Sir, my reason for making this motion is this. In connection with the work of the Pay Committee, we three of us of the Cabinet have decided to go to Ootacamund. I therefore request that this item may be taken up and finished before others are taken.”

The motion was put and carried.

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III.—GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS BILL, 1946.

THE HON. SRI K. R. KARANTH :—“ Sir, I beg to move—

‘ that the Madras Preservation of Private Forests Bill, 1946 (L.A. Bill No. 7 of 1946), as passed by the Legislative Assembly, be taken into consideration at once.’

“ In doing so, I wish to place before the House a few facts about the main features of this Bill. The House is aware, Sir, that in 1938 the then Congress Government appointed a Committee called the Prakasam Committee to go into the question of the Estates Land Act and its improvement. That Committee submitted a very exhaustive report which was accepted by the then Legislature. One of the important points dealt with in the report was the nature of the rights in the forests and communal lands in the estates land areas which I may briefly summarize as follows: ‘ The view was that these forests were not the private and exclusive property of the landholders as they claimed but the property was for the use and enjoyment of the people, i.e., the ryots and the cultivators of all the villages concerned.’ The Government do not wish at this time to say what definitely are going to be the provisions under the new Bill that will be brought. But it is sufficient to say that in view of those recommendations it has come to their notice that the forests in several parts of those areas . . . ”

(There was a lot of disturbance on account of the noise made by military lorries passing on the road just outside the Chamber.)

SRI T. PURUSHOTHAM :—“ Is it not possible to ask those people not to make such noise, Sir . . . ? ”

* MR. PRESIDENT :—“ We are still in the hands of the Military, I am afraid. Even during the last meeting I told the Sergeant to see that such noises do not disturb us. I am afraid they too are powerless.”

* THE HON. SRI K. R. KARANTH :—“ If I may proceed, Sir, it has come to the knowledge of the Government and it is also a well-known fact that many of the forests in these estates land areas have been denuded and destroyed and in some cases beyond immediate repair. In the district of Chittoor, I have actually gone several miles into these forests in the Poonganur zamindari which is about 15 to 20 miles from the Chittoor Town, and near the town of Kuppam into the Kangundi zamindari where cutting of trees has been going on on a large scale for a number of years; and if the present state of affairs is allowed to continue it will seriously prejudice the interests of the cultivators and of the Province as a whole.

“ Similar is the position with regard to communal lands. You are well aware that those communal lands are as described in sub-section (10) of section 3 of the Estates Land Act. They are described as tank-beds, pathways, etc. It has come to the knowledge of Government that in many cases even these are being assigned away and the tree growth on them cut. Pattas are being

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issued apprehending the future legislation. All such alienations are taking place; no doubt under the provisions of the Estates Land Act under sections 3, 20-A and 21 such alienations are null and void and they are useless. But still it is the Collector who will have to find them out and enforce eviction. With regard to such past assignments, I may tell the House that the Government are taking steps, in view of the series of these alienations that are taking place, and instructing the Collectors to take active steps to evict the assignees. In fact it was brought to our notice that in a village called Avidi in the East Godavari district practically all the pathways in the village have been alienated by the zamindar concerned.

“ Thus it has become necessary and in view of the coming legislation, before further harm is done, that we should take active steps to see that such devastation and alienations do not go on.

“ The other portion that is sought to be covered is Malabar. A very similar situation exists there also. The Congress Government in those years in 1938–39 appointed a Committee in which there were nearly 19 to 20 Members of the Legislature, who went into the conditions of the Malabar tenures and made important recommendations for overhauling that Act. During the period of the War that report was laid on the shelf by the Advisers' Government because they were preoccupied with War. Soon after this Government took office, we asked the Board of Revenue to go into those recommendations. We have also appointed a Special Officer, under whom a Deputy Collector is working in Malabar, to see in what way those provisions could be implemented. It is our intention to bring in this legislation also as early as possible during the next five or six months if our programme holds good.

“ In Malabar the condition is probably as bad if not worse than in other parts of the Province with regard to forests, i.e., in the estates areas. Malabar was proud of its fine forests at one time, even as my district of South Kanara is to-day. But in regard to many of those forests which are in private hands, in order to get the quickest returns, particularly during the War years when the price of timber of even the worst sort had gone up, the temptation has been recklessly to sell those forests' timber for whatever they got. This went on without any regard to the needs of the agricultural population or the needs of the district as a whole in the future.

“ In respect of all the forests in the Province the previous Government appointed a Conservator of Forests, Mr. Sathe by name, to make local inspections and make a report. He made a very exhaustive report which is under the immediate consideration of Government. In that report he has recommended that the forest policy of this Province should be made much more progressive than what it is, and that certain drastic steps should be taken. He has said that private forests in Malabar have gone to rack and ruin.

“ With this background, before we proceed to meet the situation fully by enacting a series of Bills, namely, the Madras Estates Land Act (Amendment) Bill which we expect to introduce, if things go

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right, in the next sitting of this House and the Assembly, say by the end of October or November, the Malabar Tenancy Bill at the sitting thereafter and also a major amendment to the Madras Forest Act, to define our policy for the future protection of the forests of this Province it has become necessary just now to introduce this measure for the immediate protection of forests and communal lands.

" I shall now try to explain the important provisions of this Bill. This Bill is intended to apply to all private forests in Malabar and South Kanara, having a contiguous area of over 100 acres. In the first instance, when this Bill was introduced, there was no limit put in, but the Select Committee of the other House which went into the whole question and made a unanimous report without any dissenting minute, and which included two members from Malabar representatives from all sections of that House including two representatives of zamindars, thought it necessary that in view of the stringent control that was sought to be exercised, a certain limit should be put in, and they accordingly put in 100 acres, so that owners of small forests need not be compelled to ask for permission with regard to the various provisions in the Bill. 11-45 a.m.

" Then, as will be seen from sub-clause (a) of clause 1, the Bill applies to all forests situated in estates as defined in the Madras Estates Land Act. Power has been taken to extend the provisions, if necessary, to forests other than in those two districts, exceeding 100 acres in extent. I am told these are few and far between, and that there are not many forests in those other areas.

" Another provision made is this: originally the idea was that the sanction of the Provincial Government should be obtained, but the Select Committee thought it necessary and wise not to compel everybody to come up to the Government, but that the District Collector would be the best authority for the reason that he knows the needs of the cultivating classes in his area and so we have provided that with his permission certain things could be done, i.e., such acts as are mentioned in sub-clause (1) of clause 3. Alienations of these forests are not to be unrestricted as hitherto, but should be done with the permission of the Collector. It has also been said that alienations made after the announcement in the other House about the 16th August that we were going to bring this Bill forward, should be null and void.

" Then under sub-clause (2) of clause 3 we have made a provision that reckless and unrestricted cutting of forests should not go on but should be regulated by control. And under the proviso to that sub-clause and in the explanation to sub-clause (1), sufficient safeguard has been made to see that the normal needs of agriculture or the ordinary use of forests should not be interfered with. It will be seen from the explanation to sub-clause (1) of clause 3 that ' nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees and timber in the usual or customary manner, for a period not exceeding two years.' So that, Sir, the normal use of the forests and their produce has not been interfered with in any way.

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“ Similarly, in the proviso to sub-clause (2) it has been stated that ‘ nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.’

“ Again, Sir, under sub-clause (3) of the same clause, power has been taken in order to give exemptions to particular classes of forests from the provisions of the Bill, for instance, if it is found that in the case of very small forests or areas, control would be irksome or harassing in any manner, these exemptions will be given.

“ Clause 4 is one providing for appeals, so that where any person is aggrieved by any order of the Collector under the previous clause, he will have the facility of obtaining orders on appeal.

(At this stage the Deputy President occupied the Chair.)

“ Then, Sir, as regards clause 5, we come to a different category of cases which have come to our notice, particularly in the Nellore district where almost a war seems to be going on between the zamindars on the one hand and their ryots on the other, for the normal exercise of their rights for removing fuel and leaves, etc.; hundreds of suits are pending in the Nellore courts in which I am told nearly several hundreds documents have been marked as exhibits. The Zamindari Committee which went into this question, said that pasture lands in forests were the property of the people and that they have been enjoyed as such by the village communities from time immemorial and that the attitude of the zamindars in claiming that these are their exclusive property for which they are entitled to charge fees and raise the fees in any manner they like, is not warranted. That is what the report has stated. But in spite of it, we find that hundreds of suits are pending now in which the zamindars claim to levy any rate of rent they like as pasturage fees. All these things are going on in hundreds and thousands of cases, and we thought that, pending the major legislation, this sort of thing should not go on, on both the civil and criminal sides, and that there should be a halt until the major legislation came in and the Legislature took it into its mind to decide definitely what were the rights of the parties.

“ The House might as well ask how the criminal side comes in. Of the suits filed, one set is civil and the other is criminal. Supposing for instance the ryot wants to remove some piece of wood or has to shoot a pig. In fact, I was told in one place that one of the members of a zamindari family is fond of shooting pigs are allowed to live on a large scale. But the ryots are not allowed to shoot pigs even if they came into the fields. Unlike in my district of South Kanara, where there is often a belt between cultivated lands and the forests, it seems there was no belt there, with the result that the zamindar seems to claim as his privilege and right that he alone can shoot the pigs. But the unfortunate ryot has not the right to shoot them even when the pigs come in to his fields. In such cases, what happens is that criminal cases are filed in courts. We thought that this constant and daily warfare should

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stop for the time being, and therefore, what this clause proposes to do is to cry a halt and stay until the major legislation is brought up on this question.

“ Here again, power is taken under clause (2) of this clause 5 to see that the ryots also do not harass in any way. I may make it very clear to this House and through this House to the ryots in general that this Bill is not intended to be a licence for them. Just as we are preventing landholders from the interfering with the normal exercise of their rights by the ryots and cultivators, this provision should not be taken as licence by the ryots for unrestricted cutting in the name or in the guise of normal exercise of rights. I shall give them now this warning, and if in any place there is going to be abuse of this Bill, it is open to the Government under this sub-clause to cancel the stay, in such cases.

“ We have also taken power under another sub-clause to regulate the use of these rights. That will be found in sub-clause (2) of clause 6, which says ‘ regulate the exercise of customary or prescriptive rights in such forest or forests ’— because, as I said, this Bill is not intended to give any more rights than are normally enjoyed. As the House is aware, grazing by goats is one of the worst things that can happen in a forest; and yet, if a particular person or somebody who has nothing whatever to do with it, lets in hundreds of goats or sheep for grazing, some power is necessary to control the normal exercise of these rights. That is why this clause is put in.

“ Again, it will be seen that certain penalties are prescribed. If, in spite of all this, people go on in the old way, something must be done to protect these forests which ought to be the property of the whole nation and the Province; that is why these stringent provisions have been made in clause 7 for imprisonment and fine.

“ Then, Sir, a further improvement was made in the Select Committee that it should not be in the power of any ordinary constable or anyone else to institute prosecutions and harass people, and therefore it has been provided here that all prosecutions under this Act should be only with the sanction of the District Collector, and that is clause 8.

“ Clause 9 is one in which the Legislature makes it clear that the orders of Government or of the Collector or the notifications issued should not be questioned in any court of law. It is for the reason that if a person who wants permission to fell a forest does not get a favourable answer, he should not file a suit for injunction and hold up matters for all time.

“ Clause 10 also was introduced in the Select Committee stage; under it, power has been taken for certain purposes; for instance, as to the class or kinds of trees which may be permitted to be cut and the girth of such trees, the terms and conditions subject to which permissions may be granted and the procedure to be followed by the Collector before granting permission. It was thought that it would not be wise in this Bill categorically to state all the classes of trees in a schedule, because they would have reference to

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11 areas, and I can assure this House that this Bill does not *ipso facto* or all at once stop the normal needs of trade and commerce in Malabar or elsewhere, and that as far as possible these things will be regulated in as sensible a manner as possible.

“ With regard to the issue of permission also, we shall see that there is no undue harshness or delay and that the necessary consultation is made with the forest officers. It is for this purpose that clause 10 has been put in.

“ Clause 11 is just the same as in the other Bill that was passed by this House. There need not be much discussion upon it.

“ The last clause is also a clause which this House has been good enough to pass in regard to a measure which was passed the day before yesterday.

“ With these words, Sir, I beg to move this motion and I request this Honourable House to give its sanction to this Bill.”

MR. DEPUTY PRESIDENT:—“ The motion before the House is that the Bill be taken into consideration.”

The motion was put and carried and the Bill was taken up for consideration.

12 noon. * K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“ The object of this Bill according to the preamble is to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein.”

MR. DEPUTY PRESIDENT:—“ The motion to take the Bill into consideration at once is passed. You can speak at the end when the Bill will again be considered.”

* THE HON. SRI K. R. KARANTH:—“ After the motion to take the Bill into consideration at once is passed, it is for the Chair, if I am not mistaken, to put it clause by clause so that any amendments can be discussed. The general discussion and all that is over by the passing of the motion.”

Clauses 2 to 12 were put one after another and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. SRI K. R. KARANTH:—“ I beg to move Sir—
‘ that the Bill be passed into law.’

“ In doing so I shall only speak a few words, and that is I am most grateful to this House for allowing this Bill to be passed at such a short time which probably, is very rare in any Legislature. I may remind hon. Members, Sir, that they may be conscious of having done something very substantial in improving the forest policy of the Province as a whole. I have seen several parts of this Province where forests are being destroyed without any regard for the future. In passing this Bill this Hon. House has taken a step in directing the future forest policy for which the future generations will be grateful to them.”

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* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ This Bill has just now been passed in a short time. Probably members have been feeling that any amendments that they may move in respect of this Bill may have the same fate as that of the amendments moved in respect of the other Bills, especially when the Assembly is not sitting and the Government may not like to go back to the Assembly at a later date. However, I wish to make a few observations with regard to the working of this Bill. The Bill is designed to prevent the indiscriminate destruction of private forests, but on the other hand the provisions of this Bill, I would submit, are such as to deprive owners of certain classes of forests of their legitimate and just enjoyment of rights. Forests which have been enjoyed from time immemorial by private persons are arbitrarily now taken away from their enjoyment. If it is necessary to prevent the indiscriminate destruction of forests you can regulate the enjoyments by imposing restrictions on the enjoyment of forests. I find this Bill reverses the process completely. It says ‘ You shall not enjoy the forest, your forest is taken away from you, you should not enjoy the property except in certain specified instances ’. If a owner wants to cut trees, he cannot do that, and he must go and yet the permission of the Collector for it. I would now point out to sub-clause (2) of clause 3 according to which the owner should not ‘ do any act likely to denude the forest or diminish its utility as a forest ’. These words are very comprehensive and can include anything on the face of the earth, and for any contravention of this sub-clause the owner has to undergo imprisonment. What is meant by denuding the forest and what is meant by diminishing the utility of a forest are not defined. Anything can come under this, and the owner cannot for a moment enjoy the forests unless the District Collector gives him specific instructions in what way he has to enjoy them. It is too wide a power vested in the hands of the Collector. It would have been a proper course to allow the owner to use the forest in a normal and ordinary manner and to restrain him from such of those acts which would destroy the utility of forests. Such of those acts that constitute indiscriminate destruction of forests could have been prevented. For contravening the provisions, the owner has to undergo the penalty of imprisonment. Whether he has contravened the provision or not is left to the decision of the District Collector. The Collector’s decision has to be the final word subject to an appeal to Government. We know what is meant by discretion. It is as lawyers know as elusive as the Chancellor’s Government. It is clear therefore that all the owners of forests have to be at the mercy of the Collector. What is ‘ denuding the forest ’ has not been stated. If the owners do a certain act which, in their opinion, will not be tantamount to denuding the forest, and if a particular officer thinks that it is denuding the forest, are they to go to the Collector for decision? Is that preventing the indiscriminate destruction of private forests?

“ Forests not exceeding 100 acres in extent have been excluded from the purview of this Act. It would be better if the Act provides that a particular classes of forests are excluded from the purview of this Act, that is forests above a certain level—500 or 1,000 feet

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above mean sea-level. What is the purpose of preserving forests? If it is of the purpose of preventing any adverse effect on the seasonal rains then you preserve those forests which are necessary for that purpose. Where is the necessity for preserving all the forests? You know that timber industry in Malabar is one of the most important industries. Malabar supplies timber to the whole of this Province. By this Act even that timber trade is very much affected adversely.

"It is said that by this Act the destruction of private forests is prevented. For what purpose? Is it merely for the purpose of preserving forests? Forests are to supply timber also to the people. One can understand if you prevent the cutting of trees of a particular age, girth, and size. But under this Act the owners are completely prevented from enjoying the property which they have been enjoying from time immemorial. Even clause 10 puts things the other way. Instead of defining the classes or kinds of trees which may be permitted to be cut, if a clause had been enacted that 'except particular classes of trees others can be cut' it would have been better. But the whole process is reversed in this Act, and I am sure the timber trade and industry will be seriously affected, and all those thousands of people who are now employed in that trade will be thrown out of employment. Further the Hon. Minister may know—that there is fugitive cultivation going on in the forests of Malabar. Under this Act, fugitive cultivation may not take place. Even cutting of trees for fuel is prevented unless one gets the permission of the Collector.

"I would appeal to Government therefore that while framing rules they should see that the provisions are enforced in such a way as not to give hardship and trouble to those people who have been enjoying forests all these days."

* DR. V. K. JOHN :—"On a point of information, Sir. Is there any provision in the rules to discuss the general principle and general provisions of the Bill after the motion that the Bill be taken into consideration was passed and after the Bill was taken into consideration clause by clause? Under Rule 105 of the Council Rules when a motion is made that the Bill be taken into consideration, the principle of the Bill may be discussed. The hon. Member moved that the Bill as passed by the Assembly be taken into consideration, and it was passed. Is there any provision in the rules so that we may have the right, after the amendments were accepted, of discussing the general provisions of the Bill and the principles underlying the Bill?"

12-15 P.M. DR. U. RAMA RAO :—"Since this is the third reading stage of the Bill, I think every member is entitled to speak on the general principles."

MR. DEPUTY PRESIDENT :—"Even according to May's Parliamentary Practice, a general discussion on the principles at this stage may be allowed."

SRI K. MADHAVA MENON :—"Sir, it is only the wearer that knows where the shoe pinches. Much has been said by my hon. Friend, Mr. Ibrahim Sahib, about the conditions in Malabar

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and the calamities that might happen if this Bill is passed. It is all too wrong on the part of my hon. Friend coming from Malabar to say so. I have something much more to say about this. I have only to give you one or two instances as to how this Bill is going to save Malabar and not create any calamities for Malabar. The Zamorin is supposed to be the biggest janmi in Malabar and according to the system of inheritance, nobody becomes a Zamorin before he attains 80 years of age. Therefore, the policy of all Zamorins would be to make as much hay as possible when the sun shines in order to provide money for their family and children. One of the Zamorin estates was under the management of the Court of Wards for about 12 years and after its rendition by the Court of Wards to the Zamorin, he gave one of the biggest forests on lease for 24 years for a value of one and a half lakhs to be exploited by the tenant as he liked. If this is the normal and customary use of forests in any place, this custom must stop. Leases of forests for 99 and 33 years are so common in Malabar that the landlord never enjoys them, the family never enjoys them but the eldest member leases them for 99 or 33 years for being exploited completely without any restriction whatsoever, so much so, the tenant is going on cutting small, big and indifferent trees and doing everything he likes with the forests during the period of the lease. As a result of this, much devastation is going on. If only you walk through some of the forests and hills in Malabar, you will find several hills completely denuded of even grass and shining like the baldness of certain heads. I have heard from agriculturists that in forests because trees are cut, leaving no roots even for the mud to stick on, when there is heavy rain, the place is completely washed away and even grass cannot grow there. Experts say that because of the denudation of forests, they suffer from want of rain considerably. Such being the case, do you think it is too early that the Minister has brought forward this Bill?

“ My hon. Friend, Mr. Ibrahim Sahib, imagines that the whole timber trade of Malabar will suffer and a calamity will befall the land. His fear is more imaginary than real and there will be no hardship for the landlord because the owner of every forest who wants the use of the trees, under this Bill can apply for permission and he can certainly hope that the officers concerned will be reasonable and good enough to grant him permits to cut any tree good, bad or indifferent.

“ My hon. Friend, Mr. Ibrahim Sahib, referred to fugitive cultivation. Some amount of paddy is raised in the name of fugitive cultivation and for the sake of fugitive cultivation, you cannot denude the forest and even according to this Bill, it will not be affected. After all, fugitive cultivation is done only once in three years. If a particular place is cultivated this year, for the next two years, it cannot be cultivated at all because it does not become fit for cultivation for the next two years and it can be cultivated only once in every three years. Therefore, for this purpose, no denudation of forests is required. Even though this Bill prevents the landlord from cutting trees and also leasing them, yet when the

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benefits that it confers as a whole are taken into consideration, this Bill is certainly a boon so far as Malabar is concerned and not at all a hardship to the people."

* MR. R. W. THEOBALD :—" I will only take one moment, Sir. I do not know whether the Hon. Minister is going to make rules under the Act but one thing seems to me to be missing in this Bill; there is no reference to reafforestation. He is taking steps to stop cutting trees but I would like him to take powers to plant trees. We have in England, at the moment a tremendous policy reafforestation because a large number of trees were cut down for supplies to meet the needs of war. If the Hon. Minister could take powers under the Act to do this, I think it would be a very useful thing."

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, I had no intention of speaking at all on this occasion. It is really a very beneficial measure that the Hon. Minister has brought forward but I am sorry that our friend, Mr. Ibrahim Sahib, struck a note of dissent. Sir, I wish the Bill had been passed as the Hon. Minister has introduced it without certain restrictions regarding hundred acres and so on. The denudation of forests is going on to such an extent that it is high time it is put a stop to. This restriction of 100 acres will to a greater extent lessen its usefulness. However, that apart, this is a very useful measure. I hope as the Minister has promised, he will very soon bring forward another measure relating to the general forest policy to see that forests are maintained in proper condition and that the denudation of forests is prohibited. Sir, this proposed legislation regarding forests has been, I think, in the archives of the Secretariat for the past some years, because, Sir, I was a member of the Post-war Sub-Committee on Forests. They proposed some legislation in regard to private forests which has been under the consideration of Government. As I feel that this is a first step in that direction, I think we should all welcome this and give every assistance to the Minister to carry out its intentions."

* SRI RAO BAHADUR D. KRISHNAMURTI :—" Mr. Deputy President, Sir, while congratulating the Hon. Minister on his very lucid and persuasive speech, I would like to draw the attention of the House that this Bill substitutes the rule of the executive for the rule of law. Extensive powers have been taken by the Government to the effect that no orders or notifications issued by them shall be questioned in any court of law. This is a matter dealing with the rights and customary rights of people. The object is very good. If it were merely a question of cutting fuel and timber, the policy with regard to the forests would have been quite relevant. But when you are bringing forward a piecemeal legislation, you are denying the right of the owners to lease, sell, mortgage, etc. You are introducing the rule of the Collector and the Provincial Government. I am not disputing the right of this Government to bring forward legislation of the sort, but I would request them to make rules sufficiently elastic, so that there is no hardship to any person, whose rights are sought to be interfered with by this piece

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of legislation. To grow a forest, is a matter of time; it cannot be done in a few months and it really takes decades. Forests can be used for three purposes; selling timber, cutting fuel and using it as pasture land. Rights accrue by a lapse of a number of years. Usages are governed by custom and prerogative and those rights are now sought to be made the subject-matter of executive discretion. The rule should be framed in such a way that their rights are not interfered with in any easy and arbitrary manner. Of course, when my hon. Friend Mr. Karanth mentioned reasons for urgent need of this measure, I sympathized with that aspect of the question. But you are encroaching on the individual rights and taking them away in the interest of the common weal and for a common purpose. There may be nothing wrong in it. But sense of justice fair-play and equity really requires that these rules should be framed with due care and caution, if necessary, by taking the advice of the Advocate-General, because this involves the question of ownership, which even courts of law in this country may find it difficult to decide speedily or summarily."

* THE HON. SRI K. R. KARANTH :—" Sir, I beg to submit a few words with regard to forest policy as a whole, which was asked to be defined, so that we might do something positive and not only negative, as the hon. Member, Mr. Theobald said. I would say we have under consideration an amending Bill for the Madras forests, which we hope to bring forward very soon so that This Bill is only a milestone and is not an end in itself. We shall have to go very much forward. The present percentage of the extent of forests in this Province is only 13.2 per cent, whereas it is accepted in all civilized countries that for meeting the needs of industries and agriculture and for necessary rains and so on, a minimum of 20 to 25 per cent is necessary; for that 20 per cent at least to be accepted as the minimum for our Province we shall bring forward a proposal for reafforestation on a proper scale, and if necessary, even for the acquisition of private forests, so that the State can take up and manage the whole thing. Almost every year, we see famine in the Ceded districts and if the money spent on famine relief had been spent on reafforestation in the past—at least half or one-fifth of the money—conditions would have been better now. It is a well accepted fact that if there are forests, clouds which pass through or over them, will bring in rain. It is such a simple thing which can be seen. In fact I have experienced it in my own district where by reason of the heavy reserve forests we are having the complaint—the complaint here is the other way round—that we have a rainfall of 120 inches on the coast and 280 to 300 on the Ghat section, which is only 50 miles from Mangalore. I may say, people in the Ceded districts are to be blamed in this respect. I have seen even the bark of avenue trees on the roadside which the local boards have planted, being peeled and removed so that the trees may die and be used for fuel. If you go from Bellary to a distance of about five or ten miles, you will see several trees have been removed in this manner for the sake of fuel. People do not care; even reserve forests are mere forests of stones than of trees in the Ceded districts. No attempt is made to

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preserve them by any sort of policy. Our policy should be more progressive than the policy outlined by the Leader of the Opposition.

“ My hon. Friend, Mr. Krishnamurti, speaks of individual rights. I may say the sooner we give up this idea of *laissez faire* that each man is entitled to do, with his own property as he likes the better for us all. These are things of days gone bye and not to be said too much hereafter. Because in a planned society, we must subject ourselves to certain controls and nowhere is it more necessary than in the preservation of forests.

“ My hon. Friend, the Leader of Opposition, spoke of Malabar. I claim to know the conditions of Malabar as much as he does, if not a little more. I request him not to look at the timber business from the view point of the cabinet makers and timber merchants. That should not be the idea for a man with an axe would like to fell even the most beautiful tree. That is what he can use that axe for. We have to think of the future of Malabar and the necessity of these forests for the use of the ryots and cultivators. He mentioned about punam cultivation. Nothing is more damaging than that. In my own district, it exists on a large scale and the result is utter devastation of forests. I may go even beyond what my hon. Friend, Mr. Madhava Menon, said in this respect, because what happens is, for the little paddy they are getting and things like that under guise of punam cultivation, there is wholesale devastation of forests going on. In one of the taluks of my district, which happens to be my constituency, there are some big tarwads where the karnavans come to that position when they are very old; and because they want the quickest returns they lease the forests to somebody for punam cultivation and do not know to what extent it is carried on actually. The ultimate result is wholesale devastation of forests, and burning of trees and shrubs because of the little rent which they get. Devastation is much more when the forest is taken away and when there is heavy rainfall as in the West Coast it removes all the earth from the ground and what is left is the bald head or stone as mentioned by my hon. Friend, Mr. Madhava Menon. I do not think punam cultivation in Malabar could be stopped within a year. It must be regulated as has been done in my district, and we shall try to regulate it, while we cannot stop it all at once.

“ Then my hon. Friend the Leader of the Opposition mentioned about the 500 feet above sea-level. Evidently he has taken the cue from the hon. Members from Malabar in the other House. May I submit, Sir, that most of the forests in Malabar, barring those in the Ghat section, will be within 500 feet. Surely all big forests are within 200 or 300 feet above sea-level and if you limit it to 500 feet sea-level, there will be very little forests to be controlled. Therefore, let nothing be said in that respect when we are doing everything in a regulated manner.

“ Then, Sir, with regard to imprisonment and all that, he cannot expect the District Collector to give sanction for prosecution

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unless there is serious infringement. So far as the rules are concerned, we shall take the advice which he and the hon. Member Mr. Krishnamurthi have given, so that the rules may be as sensible and convenient as possible. It may not be necessary to consult legal opinion for this purpose when we are concerned more with the practical working of it. We shall try to meet the wishes of hon. Members and see that things are done in as reasonable a manner as possible. (Interruption.) I am thankful for the reminder. He wants us in a Bill like this to define exactly in so many words what 'denudation' means. It is not possible to do that. Cutting is one thing, peeling of barks is another thing and so is it possible to say in a definition that nobody shall peel, shall burn or cut off all the branches or remove the trees, which is also denudation? Therefore it is not possible to put in a dozen or two dozen words to define when forests would be denuded. We can leave it to the good sense of the head of the district who will not misuse it. Even in such a case, there is also a right of appeal to the Government. As I said already Government will bring in a major legislation with regard to the whole policy of forests, in which all these things will be put on a firmer and better footing."

The motion was put and carried and the Bill was passed into law.

(At this stage, the Hon. President took the Chair.)

(2) THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) BILL, 1946 (L.A. BILL NO. 2 OF 1946).

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" On a point of information, Sir, I request the Hon. Premier to let us know whether you have got only two Bills or three Bills to be considered. We received notice of a Bill further to amend the Madras Payment of Salaries and Removal of Disqualifications Bill. May I know whether this also is going to be taken up."

* MR. PRESIDENT :—" So far as I am informed, there are only two more Bills, the Madras Essential Articles Bill and the Rent Control Bill.

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" May I know whether the Hon. the Prime Minister is going to move it or not."

THE HON. SRI T. PRAKASAM :—" That is not in today's Agenda.

" I move, Sir,—

' that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1946 (L.A. Bill No. 2 of 1946), as passed by the Legislative Assembly be taken into consideration at once '."

* DR. V. K. JOHN :—" May I know, Sir, whether we have an opportunity to discuss the principles of the Bill at this stage."

* MR. PRESIDENT :—" Yes."

* DR. V. K. JOHN :—" Sir, I submit, that if this Bill is passed into law, we shall have on the Statute Book a most extravagant piece of legislation which touches the liberty of the subject,

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his person and property in a very arbitrary manner and also excludes the jurisdiction of the Court. If a person is tried in a court of law his guilt shall be presumed and not his innocence. I must admit that we have all got confidence in the present Government; they have done very well up to this time, and we expect them to do very well hereafter, but the question is, whether the Government who call themselves a democratic form of Government, should introduce a Bill which should confer upon them such arbitrary powers. Sir, the Bill under section 3, gives very great powers to the Provincial Government to control production, supply, distribution, transport and the price of essential articles. The words 'Essential article' is defined in section 2, as meaning any of the articles which is specified in the schedule to this Act and any other article which may be declared by the Provincial Government by notified order to be an essential article. Sir, twelve items are given in the schedule. Government could have had another schedule from which they could draw and add to the number in the schedule that is given. The Government want power to control, production, distribution, transport of articles mentioned in the schedule and any other article which they may notify at their pleasure. That would mean that the provisions of this Bill could be utilized for the purposes of not only controlling the twelve articles mentioned in the schedule but also any other article which the Government would, from time to time add to the schedule. This is very extravagant because this Legislature is not under suspension; and at any time, they could call the Legislature and discuss whether that article should go in or not. But why should they give the definition of an article as this in the schedule. I say it is no definition at all. Every one will say, essential article means an article considered essential by the Government. I say, Sir, this is an arbitrary piece of Legislation giving power to the Government to do anything they like.

"Then, they not only have powers under section 3 to control supply, production, etc., but also they have control of agriculture under section 7. In addition to that they have powers of acquisition and requisitioning of any property movable or immovable, which in their opinion is considered necessary or expedient. Now, Sir, if they stop there and do not ask for higher powers, it would have been a very different thing. If you read section 9, it is an omnibus section and I shall read it for the benefit of the House: It runs—

'Every order made by the Provincial Government or the Central Government or any other competent authority under any of the provisions of the Defence of India Rules in respect of any of the matters specified in sections 3, 4 and 7 which having been notified in the Official Gazette was in force immediately before the commencement of the Act shall, in so far as it could validly have been made by the Provincial Government under this Act continue in force as if it has been made by the Provincial Government under the provisions of this Act and remain until it is superseded or modified by the competent authority under the provisions of this Act.'

"Sir, under the Government of India Rules, 97 orders were passed by the Central Government up to the end of 1944 and 51 orders were passed by the Provincial Government up to the end of

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1945. What the Government want is that every order passed under the Government of India Act by the Central Government and the Provincial Government, should be an order that should be enforced or enforceable and should continue to be in operation even after the expiration of the Defence of India Rules. Sir, it directly affects the principle of law that the Defence of India Rules should be enforced only for a particular period. The law which provides that orders lapse, must have certain principles underlying it. Why should not the Central Government be given power by the Central Legislature to continue if they are required, under the Defence of India Rules, instead of saying that they will all lapse at the end of September. My real opposition to section 9 is that this is an omnibus section and Government do not know what are those out of about 150 orders, which could be passed by the Provincial Government under this Act. They could very well put in a schedule giving information to the public that such and such orders passed under the Defence of India Rules shall be in operation in spite of the fact that they lapse as orders passed under the Defence of India Rules. Government do not know what they are; and the public do not know what they are. Here they are introduced in an omnibus section; they do not know the details as to which are the orders which could be passed—to understand them, everyone is not a lawyer, who could spend not only hours and hours, days and days but months and months, to find out what are the Acts and orders passed by the Government of India and the Madras Government, would be orders which could be validly passed under this Act. Even for a very learned lawyer, unless he works for months together, he could not understand. Now, Sir, this is a law which the average man dealing with these articles and some others must know. This omnibus section—section 9—should never be introduced in a legislature as it affects the property and the person, of the subject. In clause 12 it is provided that for contravening not only the express provisions in section 3 or 4 or 7 (1) (a) or in section 9, but also the implied provisions, a person is punishable with imprisonment for three years or with *unlimited* fine or with both. Any magistrate can impose a fine over thousand rupees. That a person accused of an offence is presumed to be innocent until a court finds him guilty is a principle which has been accepted in Britain for centuries and in this country for over a century and a half. This principle has been given the go-by in clause 16 of the Bill. What does clause 16 say? 'Where any person is prosecuted for contravening any order made under this Act or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.' If a charge-sheet is filed against a person for contravening the orders made by the Government under the express provisions of this law or the 150 orders issued under the Defence of India Rules, the burden of proving his innocence is thrown on the accused. In

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England, it was found that the magistrate or judge trying an accused person does not usually rely on the accused person's statement. In England, he was given an opportunity to subject himself to cross-examination in the witness-box. That provision may have its defects. But it has been there for many years in England for the purpose of enabling the person accused in a case, where he could not adduce evidence, to make a statement so that the prosecution may cross-examine him and the judge, finding that in cross-examination he has not broken down, might rely on his evidence and appreciate it. In a court of law in this country the accused cannot be put in the box to give evidence. He can only give a statement but is not subjected to cross-examination. In many cases where the burden of proof is on the accused—and here it is always on the accused—he would be able only to give a statement which is not much valued in courts of law as they are now constituted. I ask you : unless you want to restrict and interfere with the liberty of the subject, why should there be a provision that a man prosecuted for an offence is punishable with imprisonment for three years and with fine without a limit and why should not this popular Government prove the offence against the accused instead of putting the burden of proof upon him? I say this is a very hard piece of legislation interfering with the liberty of the subject. The Government can, by merely filing a charge-sheet, send a man to jail because he may not be able to establish his innocence. That affects a very great principle of criminal law which is in force in every civilized country.

“ Then, not only the Government takes power to make orders. This law in section 8 provides for the delegation of powers by the Government. It is extraordinary that powers of interference with the property and person of the subject should be delegated by the Government. They may delegate the powers to anybody whom they like. It may be an excise peon; it may be somebody else. They do not mention to whom they will delegate the powers. I say this power for delegation which the Government is taking is very extraordinary, because it will put a weapon into the hands of subordinate officials to harass persons who are in opposition to this Government.

“ Not only have they put the burden of proof on the accused. not only have they taken power for delegation, under clause 17 of this Bill, they want to interfere with the prerogative rights of courts in issuing writs of mandamus and injunctions. Sub-clause (1) of clause 17 says ‘ No court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain the Provincial Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.’ It has been considered from time immemorial that the liberty of the subject should be safeguarded by what we call the prerogative rights in a court of

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law which is entitled, as a right, to issue a writ of mandamus, prohibition or certiorari when the liberty of the subject is interfered with. That power is taken away from the courts. Why have they not faith in the courts of law? If a case is brought before the court which is not sustainable, the court will dismiss it and it may even dismiss it with costs. Why should we take away the power of the courts from issuing a writ against a Government officer? This again is a restriction on the powers of the courts. There are three branches of Government—the legislature, the executive and the judiciary. Now the executive wants to take away all the powers of the legislature and all the powers of the judiciary. I say—and I say it with a sense of responsibility—that such a power has not been asked even by Hitler or Mussolini or even Stalin. This is an all-embracing power to deal with any essential article and to requisition any property, movable or immovable. ‘If you disobey, we will prosecute you and the burden of proof is on you; if you go to the High Court, the court cannot exercise its prerogative right.’ I do not know whether the High Court Judges will say that this legislation will take away their powers; they may say that this legislation does not take away their powers. Why legislate in this manner so as to interfere with the liberty of the subject?

“After throwing the burden of proof on the accused and providing for delegation of powers and against interference by courts, they have provided in sub-clause of clause 18 that ‘No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done.’ ‘Anything which is in good faith done’ is a thing which has to be interpreted. The general law provides that, if you interfere with the person and liberty of a subject, you are liable. They why should that general law be amended to this extent?

“Another extraordinary piece of legislation is here. I am glad Mr. Bashyam is here. He was a practising lawyer till recently, and he will answer this point. That is why I said ‘he is here.’ I know that most of the members of Government are eminent lawyers but on account of exigencies of political life, they have not been practising here. This bill is like a rocket going up. Clause 10 provides ‘Any order made under section 3 or section 4 or section 7 or continued under section 9 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.’ It may be an Act of the Central Legislature, it may be an Act of Parliament; no enactment will prevail against this rocket. If you look at the schedule, you will find ‘Electrical energy.’ Electrical energy is item 31 in the Concurrent Legislative List under the Government of India Act. Section 107 of that Act provides that if the Provincial Legislature passes a law on any matter in the Concurrent Legislative List which is repugnant to any law made by the Central Legislature, the provincial law shall be void. It also says that, if it is not to be void, it

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should be sent up to the Governor-General for his assent. This Act is coming into force on 1st October. I do not know whether it is the intention of the Government to send up this Bill for the assent of the Governor-General before October. Why should you provide something which is *ultra vires* and illegal? It is a fundamental principle of interpretation of statutes that if a provision of a later statute is in contravention with that of an earlier statute, the latter should be construed as being implied repealed. They might expressly repeal the provisions of an earlier statute. This they do not do. They do not know what those provisions are. But there is the principle that there is an implied repeal of inconsistent provisions. Will they not be satisfied with the general principle and leave things as they are, without introducing the provision made in clause 10 which will be void? Instead of moving amendments, because as the House is constituted to-day amendments are not of any effect, we appeal to the Government to introduce these amendments themselves, because this is a matter involving the person and property of the subject. In fact, I find in clause 8 (1) dealing with delegation of powers, section 20 is mentioned, whereas it ought to be section 19. (The Hon. Sri T. Prakasan : 'That is a printer's mistake.') We do not know how many more printer's mistakes there are in this Bill.

"A popular Government with a large majority in the House should be very very careful in taking arbitrary powers; they should take only very limited powers, because if a legislation is introduced by a later Government, it might be cited as a precedent by the next Government that comes into power—perhaps it may be a Communist Government. Therefore this Government should be very careful in introducing legislation which interferes with the liberty of the subject, his person and property in the manner provided for in this Bill. I say it is not proper for a popular Government with a large majority employing rigid party discipline to take so much of arbitrary power."

(After lunch)

* SRI B. NARAYANASWAMI NAYUDU :—"Mr. President, Sir, the Bills under consideration this session are said to be preparatory to the Bills that will come hereafter. The present Bill is also of a temporary nature. It may be in force for about three or four years. I am sure the Premier will not say that this Bill is preparatory. It is absolutely indefensible to introduce a Bill of this type to be connected to planning and all those things. I do not think the Premier is going to say that this Bill is going to foreshadow planning on our part, and that we are going to get a planning Bill. If so, we have got to reject this Bill summarily. This is not a Bill the principle of which can be accepted in ordinary circumstances. This is a Bill in which the ordinary principle of not interfering with the property and liberty of the subject is being infringed upon for indefinite purposes. This Bill is merely a continuation of the old Defence of India Rules. That is a monster which came into existence during the war period. An all-out war had to be waged against totalitarian States and Government had to take power in all

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directions and introduce every control for the purpose of war. Its only principle was war, and the emergency the war created. The interests of war forced Government to take control of every trade, and article of business. The principle of this Bill is one which is ordinarily not necessary or required. But the requirements of the war required it. Therefore there was infringement upon the rights of private property and other things in all possible forms. Now the war is over. The after-effects of war remain. What justification there is that the after-effects of the war remain and we have got to fight the famine of food and cloth. Those are the two things necessary and outstanding and the Provincial Government can seek to clothe themselves with powers to fight these two matters. This is the only justification for this expropriatory Bill. As Mr. John has pointed out, the ambit of this Bill has no limitation at all. What are the articles that they want to control? There are twelve items in the schedule. What is the property they want to control? Any movable property or any undertaking they can take control of without giving any reason, with or without compensation. We have got 12 items in the schedule. We do not find here the essential things for fighting the famine of food and cloth. These twelve things are subject-matters of regulation by the Government of India. Both the cloth position and rice and millets position are going to be regulated by an Act of the Imperial Legislature. This is only a supplementary measure with regard to it. Therefore, the first thing which I wish to know from the Prime Minister is : why he wants such an ambit to include every property, every article, every trade, every undertaking and licence for a limited purpose, and not for winning a war. In war we do not know what is required. In war everything is required. We do not know what will happen. We may have to requisition even domestic utensils. To fight the extraordinary thing of famine of food and cloth, you want to take in every article. For instance, we see motor vehicles. Lorries may be required for conveyance of food. Why do you want ordinary cars? They won't be taken, but here is the power. All vat dyes, Alizarine, artificial silk yarn, probably they may be necessary for purposes of cloth control. I do not know how they are necessary. The Hon. Premier may say they are necessary for cloth control. My submission is that, when you go on legislating under extraordinary circumstances, this merely continuing the Defence of India Rules is not at all necessary now to the magnitude that is claimed now. What is the reason? My first objection is that it is really a monster that has been created during the war and that there is no justification to continue the monster in all its ways in the present circumstances. My second objection is this. This monster was created under the Defence of India Rules by the Central Government which had not with it associations of popular legislature. The Central Government passed it without any legislative bodies attached to it. Consequently they had to proceed upon a certain patron. The patron was to rely upon the services entirely. We legislate, we delegate power to the Provincial Government, the Provincial Government in their turn delegate to the services. That was

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the patron of the Defence of India Rules. Here we have a legislature associated with Ministers and enabling us to say something in the matter. Twelve articles are mentioned here. Price control is made with regard to them, distribution control is made with regard to them, trade control is made with regard to them. Each article is really the subject-matter of a separate Bill. How are you going to control prices? There is what is called groundnut oil. There is manure. Prices have to be fixed by the Provincial Government in consultation with anybody or crores of consumers or producers and there is no indication at all. I can understand emergency legislation, when there is no legislative body sitting at all. When we have got the services functioning we delegate to the services and ask them to carry on. Just as you have control for house accommodation, paddy control should be taken up. How is the price to be controlled? For instance manure distribution is done by the Director of Agriculture. This is not Legislature's rule. This is not the Provincial Government's rule. It is the Controller's rule which is absolutely taking away the power and control of the Council and the Assembly. You want to legislate for twelve articles without consulting the body of members or the trade. For all these things you want to reserve power. That is my second objection. It is really a continuation of the powers of the Controllers in this Province. That is the matter. The bane of the Defence of India Rules is the deification of services and what we are now doing is continuing the provision for services. What powers do you have got to fix prices? Food committees, district committees, have been established. Are they going to be independent bodies? What is this Legislature asked to pass? What are the circumstances necessitating conscription of the liberties of the subject and his property? Why should you curtail them and at the same time curtail the functions of the Legislature also? My last point is this. This is really an Act not giving particulars but it is an Act enabling the Government and all its officers to pass twelve Acts or as many Acts as they want for each subject to control production, supply, distribution, transport, etc., just as you have in the House Control Order. Each article is the subject-matter of a separate Bill. In spite of what all this Act does, you don't bother about it. We will do it. It gives power to pass Acts not only with regard to twelve subjects, but any article. Categorically I put it to you: is it open to you, is it proper on your part to legislate with regard to these twelve articles? With regard to other articles, you leave them away. You do what you please with regard to price, you do what you want to do according to the circumstances. We are giving all our legislative powers, please legislate, do as you like, so that the Controller's regime may be continued. Is that the function that we are called upon to do in a Bill which affects the very rights of property of persons? Is it legitimate for the Government to ask: Give us power not to pass one enactment, but to pass Acts with regard to twelve articles and other articles concerning the entire industrial activity, the producers' activity, distribution activity, price control, licences and everything? My submission is that extraordinary

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powers they ask for passing not one Act. There is no limit to the Acts. This Act asks to give them power to pass Acts, which is absolutely reprehensible. We ought not to countenance any such legislation."

* LIEUT.-COL. K. R. K. IYENGAR :—" Mr. President, Sir, 3-15
my predecessor has just now said that the Defence of India Act p.11.
was a monster. Well, that monster kept us going through the war and I am mighty glad that our present popular Ministry is keeping that monster alive to-day. (Laughter.) If there was no price control, we will be nowhere. I am coming from a district which grows potatoes. If there was no control in the price of potatoes, it would have ended in a disaster and we could not have any potatoes at all. So I am mighty glad that the Hon. the Prime Minister has brought forward this Act. Without price control, there will be black-marketing of the worst type all over the Presidency.

" Now, Sir, while congratulating the popular Ministry for bringing forward this Bill, I should like also to raise my objection to one aspect of it. One thing I should like to know is, why should the Government take the powers of the Legislature and put them in the general clauses of the Bill by which powers will be vested with the Executive to make additions to the list of articles in the schedule? They will be respecting the feelings of the House, if the powers of the Legislature are not taken up like this and delegated to the Executive. It has been pointed out by no less a person than Lord Hewart who was at one time the Lord Chief Justice of England in his book on ' New Despotism ' and also in C. K. Allen's ' Law and Order ' that ' Parliament should not divest itself of the powers of legislation and give the power of delegated legislation to the Executive. Democracy will be made a farce if such powers are given to the Executive.' Sir, it seems to me that delegated legislation has become the order of the day. Especially during the meetings of the last four days we have been giving the Government power to do this, that and the like. Why should we take all the time and trouble to come over from the Nilgiris to this place? The Government may as well send us a letter asking us to give them powers for doing this and that. You do not give us time to consider the Bills. You simply throw these Bills on the table just on the day of the meeting and ask us to discuss the several clauses of them. While I do not raise any particular objection to these Bills, I wish that in future we should be given ample time to consider the Bills in all their bearings and that they should not be rushed like these Bills."

* MR. PRESIDENT :—" I thought the hon. Member was anxious to go back." (Laughter.)

* LIEUT.-COL. K. R. K. IYENGAR :—" What I say is, that if you are going to have this Legislature for some more days, all-right, have it for three days. We shall sit here for hours and days if you like. But there is no use in discussing the Bills in this House while the doors of the other House are shut, because, if we bring in any amendments to any of these Bills, they will have to go to the other House for its consideration again. Now where is the other House

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to consider? These Bills must come into operation by the 1st of October. My firm conviction is that the other side is determined to throw out all opposition. We are simply considering these Bills to suit the convenience of the Government. I am 95 per cent Congress, though I am sitting on this side. Only 5 per cent I am against them. The Government must give us some consideration and not simply drive us like mules. We are prepared to give all our time for the Legislature, because we have come for it. But please, do not hurry up like this. These Bills are rushed in unusual haste. To-day is only the 13th. We have got time till the 20th. If you have not finished with the other House, our amendments may receive some consideration. Now we know all our amendments are quite useless. I do not know why my hon. Friend, Mr. Suryanarayana Rao, has given notice of his amendments. I am sure what the fate of his amendments will be. None of them will be accepted, because the other House is not sitting. These various Acts are coming into force on the 1st of October, and it is sheer waste of time of the House to move amendments. I would therefore request my friends to let the Government carry on now. I hope that better consideration will be shown at the next meeting."

* SRI N. RANGA REDDI:—"Mr. President, Sir, I rise to support the principles of the Bill. My hon. Friends spoke at great length on the invasion into the rights of persons and property. I may submit for the consideration of this House that it is only in the tribal organizations that there will be few laws and probably more liberty. It may be argued that because we have more laws, we are having less liberty. But you will permit me to say, Sir, that there is a confusion of thought here. Laws are made for the welfare of mankind. It is from that standpoint that these laws will have to be judged. Therefore, I submit, Sir, that because more laws have been passed, it should not be taken that our liberty is being curtailed and that if we have no laws, there will be more liberty."

"The next point that I beg to submit for the consideration of this House is this. My hon. Friend, Mr. Narayanaswami Nayudu, spoke of delegation of powers and said that too many powers have been delegated to officials and that since this is a popular Government, it can ask the House to sit for any number of times and discuss matters and obtain powers, as and when necessary. It is also one of his complaints that every article which is to be controlled should form the subject-matter of separate legislation. As a matter of fact, everyone knows what it means to call for a meeting of the Legislature, how much it costs, what difficulties there are and so on. Is it therefore necessary that every article that is to be controlled should come under separate legislation? This Act is meant to cover not only the twelve articles which have been included in the schedule, but also various other articles which are found necessary to be controlled in future. When once you trust the Executive to the extent that it has been discharging its duties properly and satisfactorily, I do not see any reason why you should not give it more powers."

"There is another point that I wish to place before the House. My hon. Friend, Mr. B. Narayanaswami Nayudu, also complained

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that officials alone have been given powers to control articles under this Bill. I do not know who else could be entrusted with such powers. When an article is under control, is it the Legislature that should sit in judgment whether proper control has been exercised or not, or whether there is any infraction of law or not? It is only the officials that can properly administer the controls and I do not see that there is any substance in the argument of my hon. Friend that these officials have been vested with broad powers. It is true that during the war many of these officials were given very large powers and some of them have been very corrupt. We have seen in the papers that even people belonging to the Indian Civil Service have been prosecuted for corruption to the satisfaction of all people. If there is any official found guilty of corruption, I submit that the Executive and the courts of law should not be slow to prosecute such an official. I, therefore, submit that there is nothing wrong in delegating the powers to the officials and in my opinion no other person is competent to administer the laws except the officials.

“ My hon. Friend also referred to the powers of the Food Council. He said that the Food Committees have not been given powers to control prices and pleaded that non-officials should be allowed to co-operate with the officials in the administration of price control. I know, as a matter of fact, during the Advisers' regime some mistakes occurred with regard to the fixation of prices of certain articles, but the mistakes could not be remedied at all, because the prices were fixed by the Revenue Inspector and the Tahsildar and the Deputy Collector and the Collector simply went on putting their dhobi marks and the Board simply said that it would not interfere. I am quite sure that such state of things will not be allowed to happen in the regime of this popular Ministry.

“ The next point that I beg to submit is, with regard to the continuance of control. My hon. Friend argued against the continuance of control. As I stated at the beginning, if controls are necessary for the welfare of society, there is no objection in continuing them. Why should one fight shy of controls? That these controls are being continued is not a matter for sorrow. On the other hand, these controls are intended only for the welfare of the people. A rich man does not care to have any of these controls. If any article is not available at the controlled prices, he will simply go to the blackmarket and purchase any quantity he likes. These controls are intended only for the benefit of the poor man and they should be allowed to continue.

“ Having said that, I should like to make a few observations with regard to section 9 of the Bill. But these observations should not be taken to mean that I am against the principles of the Bill. I only request that the Government will be pleased to bear in mind the position of the agriculturists. It is one of those vexed questions whether compulsion ought to be introduced or not and when once compulsion has been introduced, whether it should not be softened by something like a judicious payment of compensation. Now we find from section 9 that the agriculturist will be prevented

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from raising any crop he likes. You will find that this provision completely affects and makes inroads into the economic life of the agriculturists. We know, Sir, as a matter of fact, the agriculturist makes his living purely from his crops. He has no other means of livelihood. He cannot switch on to another kind of occupation and his family has also increased. Therefore we must consider the position of the agriculturist. We know, Sir, that the ryots were steeped in indebtedness during the last 150 or 200 years. Their condition was sought to be bettered by the introduction of the Agriculturists' Debt Relief Act. How far has it improved their condition, we all know. Fortunately for the agriculturist, the war came and they were able to wipe off their debts and now they are able to help themselves and stand on their own legs. Now, Sir, this important section of the community which has suffered for a long time has been subject to great restraints. I would not complain of that if, as I said, there is some compensation and some favours are shown to them. I certainly welcome these restraints and I appeal to the Government that having imposed these restrictions, they should show some favours to the ryots. What are those favours? I submit, Sir, that the condition of the village has not at all improved. It is what it was years ago. There is not the slightest change in the atmosphere of the village, from the sanitation point of view. Many of these villages have not been served with good roads. There are no hospitals for medical assistance. There are no schools. When you are piling up Act after Act, imposing restrictions on the capacity of the villager to maintain himself, I submit, Sir, that the Government should pay special attention towards the improvement of the villages and their amenities.

“The next thing that I should like to submit is that I am only surprised that this Act is meant to control the prices of these articles only for a period of two years. No doubt power has been taken that this Act may be extended for a longer time. I wish that this Act remains as a permanent enactment on the statute book. My reasons are these. As I said, I am not afraid of any of these enactments, if they are meant for the betterment of society.

3-30 P.M. “In regard to the fixing of prices, clause 3 gives power to the Government to fix prices. With regard to this Government should not entirely rely on the capacity and the integrity of their own servants. I have no doubt that during the present regime most of the things will be scrutinized with great care and attention. No doubt this is a democratic Government, but whatever Government there is, to the extent that is possible, non-officials should have a say in this matter of price control. I suggest that Government may be pleased to associate non-officials with the officials in fixing prices.

“Next, Sir, there is very great trouble in fixing the prices of agricultural produce. Very often when we want to fix the price of a particular thing, we simply take the cost of the raw material and the cost of the labour involved and probably some margin for profit or loss.”

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* MR. PRESIDENT :—“ I request the hon. Member to confine himself to the principles of the Bill.”

* SRI N. RANGA REDDI :—“ I do not want to take up the time of the House long, Sir. My suggestion to this House is that there should be a permanent price control board for fixing the prices of agricultural produce. As I said before, in fixing the prices only those two factors are taken into consideration, namely, the price of the raw material, price of labour involved and a slight margin for profits. In the case of agricultural produce to proceed on the assumption that he has spent only so much in producing his grain and so much has been spent by way of land revenue and so much by way of coolie will not suffice. I request that this House may be pleased to consider the point that so far as agriculture is concerned, a good harvest depends on a sufficient rainfall. Very often the harvest depends upon a number of circumstances. If there is not sufficient rainfall there will be famine. So far as dry lands are concerned, famines are a usual feature once in every five years. In fixing the prices one has to see that this thing is also taken into consideration. If you only fix the price for two years to tide over the present difficulty and to give some sort of relief to the consumer, I submit that it will be a great hardship. The agriculturist has to be protected in the future years also. A Price Control Board has to be permanently established and when prices fall at a particular time, the Government should come forward to make up the deficiency and allow the agriculturists to live and have a decent wage. I request the Government to be pleased to bear in mind the suggestions that I have made in effecting price control.”

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Sir, it is admitted that the Government seeks to take extraordinary powers under this Bill; it is surprising to see that even the burden of proof has been shifted and thrown on the accused and that even the preparation for an offence is made punishable. We know that ordinarily no system of jurisprudence would make the preparation for committing an offence punishable. Here clause 13 makes even an act preparatory to the contravention of an order under this Act punishable. Again power is taken to authorize any officer or subordinate authority to enter any house and make a search therein and even to seize articles in any premises, vehicle, vessels and aircraft. Has the Government made out any case for taking such extraordinary powers at this juncture. True it is that this Bill is but an adaptation of the provisions of the Defence of India Act and the Rules and orders made thereunder. But the situation is different now. When the Defence of India Act and the Defence of India Rules were made, there was the war and the Government of India rightly or wrongly was interested in the successful prosecution of the war. My hon. Friends on the other side were saying that the Government of India dragged in India into the war without rhyme or reason and without consulting the people of this country. Those extraordinary powers were taken by the then Government for the successful prosecution of the War, when the enemy was at our doors and the people were suspected and it was thought that there were fifth columnists among

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the people. The result was that the people were held in a condition of perpetual fear and terror on account of the promulgation of those orders under the Defence of India Act and the Defence of India Rules. What is the position now? Do you want that the people should be in the same position of fear and terror. These provisions will surely place them in a state of fear and terror, because they have their origin in grave suspicion of the bona fides of the people. It was thought that there were fifth columnists and that was why these provisions were made. Now it is peace time; the war is over; but I do know that the aftereffects of the war are there. Do the existence of the aftereffects of the war justify the perpetuation of these provisions which were necessitated by the emergent situation created by the war? True, many of the articles are in short supply and the Government must take powers to regulate the production and supply of those articles. But are these extraordinary powers necessary for that purpose? Are we in that emergent situation? Is the Government suspecting the people at every step? These are the questions I would like the Hon. Premier to answer.

" Now, Sir, to me it seems that there is no necessity for importing into this Bill the provisions of and orders made under the Defence of India Act and the Defence of India Rules *en bloc*. Of course, there is some necessity for the control of certain articles. For that, take the steps that are necessary. Why should we import the entire provisions of the Defence of India Rules, I cannot understand.

" Sir, we understand that the Central Government is thinking of continuing the controls and the Central Legislative Assembly is to meet shortly, probably at the end of this month, for the purpose of enacting the necessary legislation. Then why should we hurry up this legislation at all? Even from this morning's papers we understand that the Government of India is going to legislate for this purpose. Why should you embark on this legislation now? There may be conflicts between this law and the Act that may be passed by the Government of India. What is the hurry about this? Sir, this Act is to come into force only from the 1st October and the Central Assembly will be meeting before the end of this month. We can as well wait and see what the Government of India is going to do. Nothing will be lost by that time. I do not know what urgency there is for rushing through this Bill.

" Sir, anyhow no case has been made out for the continuance of such extraordinary powers and such large powers which were necessitated by the exigencies and emergencies of the war. Now we are in peace time and though we have not entirely got over the effects of war, there is no necessity at all for taking these extraordinary powers, which are an infringement of and an invasion of the elementary and fundamental rights of the ordinary citizen. After all, the Government calls itself a popular Government. And why should a popular Government invest itself with such large powers—of course in reality it is not a popular Government. It is

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only a party Government of a section of the people. Because you call yourself a popular Government you cannot with impunity take away the elementary right of the citizen. Instead of the prosecution being asked to prove the case against the accused, you want the accused to prove his innocence. That is the extraordinary position in which you place an accused. Sir, so many powers have been taken by the Government under the Act. I would again repeat that the Government has not made out a case for them. I request them therefore to postpone consideration of this Bill until at least the Government of India have decided this question."

(Several hon. Members rose to speak.)

* MR. PRESIDENT :—" Do hon. Members feel like talking more on this? I think we have had sufficient discussion already."

* SRI M. NARAYANA MENON :—" Mr. President, Sir, I shall take only a few minutes and mention only a few points."

* MR. PRESIDENT :—" Why not the hon. Member allow the Prime Minister to reply on behalf of this side?"

* SRI M. NARAYANA MENON :—" Sir, it has been said that this Bill cannot be passed as it is intended to take away human rights. After all, Sir, law is passed to take away rights or to grant rights. Sometimes the law controls human actions and these controls are intended to limit human liberty for certain purposes in difficult times. After the war, when the supply is short and demand as great as in pre-war days, control is absolutely necessary.

" Now, Sir, what are we controlling? We are controlling only certain essential articles. Regarding the articles to be controlled, it has been said that all the articles that the Government intend to control are not mentioned in the schedule. Certainly it is not possible to mention all of them now. Suppose a scientist finds to-morrow that a particular article is necessary for making gun-powder of the best sort, then that articles must be controlled by the Government in order that the best gunpowder may be made. Suppose that a scientist finds to-morrow that another article is necessary for curing a particular disease and that articles is in limited supply, certainly there must be a control over that article in order that that article may be made available for effective use. Power must therefore be given to the Government to include other essential articles also in the schedules. This power is not for giving any trouble but only for doing good to the people.

" In this connection, I may ask, Sir, what is it that the Government are going to do with the articles controlled? It is after control that the Government ought to take particular care. Hitherto they have been putting the controlled articles into the hands of ordinary traders. What used to happen for a day or two after the articles were put into the hands of the traders, was, there would be some rush, some sales, and a declaration that the articles were sold out. But to whom were the articles sold? To persons who

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were employed by the trader to purchase them. Where were they taken? To the private and secret godown of the trader. Then after a few days if the articles is required by an honest man who is prepared to pay only the control price for it, he will be told that that the articles have been sold out. And every official will be satisfied that they have been sold out, because the trader's books would show the names of the persons to whom the articles have been sold, the prices at which they have been sold, and so on. The books would also show that if 100 tons had been supplied, all the 100 tons have been sold out and there was nothing more. The officials could not but be satisfied. But as a matter of fact, in spite of what the books would show, 99 tons would be available for sale with the very same trader not for control price but for higher prices provided you would not demand a bill. This curse ought to be stopped. The control has never had the effect of controlling the trader who is selling the article. In order to improve the situation, I would ask the Government to take particular care with regard to the supply of the controlled articles to the traders. The Government may say, "What can we do? We can only pass orders." I say, Sir, 'Put these articles in the hands of co-operative societies.' There are several honest co-operative societies. Of course, some of them may be bad, but the Government can always enforce a high level of honesty on them through so many of their controlling authorities. I suggest, therefore, that the controlled articles must always be sold through the co-operative societies.

"But, Sir, my experience during the regime of the Advisers, was that they were not generally putting the controlled articles into the hands of co-operative societies, but were putting them into the hands of traders. I do not say that it was done with any motive, but the effect was the moment we heard that a certain articles was controlled we apprehended it would not be available, it would go underground. So I request the present Government to take particular care to see that these articles are placed in the hands of co-operative societies for proper distribution.

"In this connection, I would refer to an important question, i.e., with regard to essential services. Suppose a lawyer applies for a motor car. It is stated—I am not saying this with reference to this Government, because I have never had any such experience so far as the present Government is concerned, I am talking of the previous Government—that the lawyer is told he does not belong to the essential service and so cannot get a car."

* THE HON. SRI K. BHASHYAM :—"He is 34th in the list."

* SRI M. NARAYANA MENON :—"It is as good as being the 100th or the 1000th, because the lawyers could never reach that limit.

"I object to this kind of treatment. Sir, does not a lawyer belong to the essential service? Suppose, for instance, a man comes to a lawyer with a broken head and the Magistrate's Court is 20 miles away or the Police station is 20 miles away. How is

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the lawyer to go to the Police station, or to the Court, unless he has a car and unless the lawyer is recognized, as belonging to the essential service at least for the purpose of purchasing cars? Otherwise, the justice that the lawyer has to see done to his client cannot be done. Sometimes in such cases, a complaint cannot be filed or the policeman cannot be approached early enough. Sir, there is a provision in the Criminal Procedure Code by which, unless in the shortest possible time, the complaint is filed or the first information is given, the case may be considered to be suspicious. I have heard complaints from lawyers—I see so many of them present here—that it is high time that lawyers are also included among the essential services.

“Then, Sir, so far as the Legislature is concerned, I am putting this question to the Government: where do we, members of the Legislature, come in? Do we belong to the essential service or non-essential service? (An hon. Member: Non-essential service!) That has to be settled, Sir. I am putting it to the Government that this question should once for all be settled whether we, members of the Legislature, belong to the essential or non-essential service. If a member of the Legislature wants a permit for a car and if a car is available, he should not be told that the District Magistrate wants a car or that a medical man wants a car and that it is not his turn and that he will have the 35th turn. I submit, Sir, that as members of the Legislature, we have got to do many things connected with the administration. Though we are not actually administrators, we are helping the administration by laying down the Law for them. We have to know many things, we have to see many things and we have to go to several places. How do you expect us to do all these things if you do not permit us to buy our own cars? Otherwise we will be quite different from what we are now whether we are members of the Assembly or of the Council. (Interruption) I understand the hon. Member is supporting me.”

* MR. PRESIDENT :—“The hon. Member may be allowed to finish his speech.”

* SRI M. NARAYANA MENON :—“I want to reply to one or two criticisms made by the opposition. With regard to the burden of proof, the hon. Members on the other side have said that it should be cast on the person who brings the complaint. Certainly as a lawyer, I agree with the view. It is the person launching the complaint who ought to prove the facts. But what is the sort of burden of proof mentioned in section 16? It is simply the ordinary rule. I will read the section :—

‘Where any person is prosecuted for contravening any order made or deemed to have been made under the provisions of this Act, which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission, shall be on him.’

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" Now let us take the case of an agriculturist who is asked not to sow cotton in a particular field but to sow wheat. Clause 3 provides 'for regulating by licences, permits or otherwise, the production or manufacture of any essential article.' Suppose a complaint is brought alleging that the man has sown cotton and not wheat without a permit or licence. The section does not say that the accused should prove in the first instance that he has sown wheat and not cotton. If the prosecution proves or the accused admits that he has sown cotton and not wheat, then the burden of proving that he has the necessary permit or authority to sow cotton is on the accused. He may say, 'I have sown only cotton, but I have an excuse, I have the requisite licence or permit for sowing cotton.' It is only this that he has to prove. The act complained of must be proved by the prosecution. When the prosecution says that the accused has done a thing and that the accused does not admit it, the prosecution has to prove that the accused has done it. After that is proved or admitted, the accused has to show in defence that he has got the permit or the permission and so forth. The prosecution need not prove that the accused had no permits, etc. The burden of proof under section 16 refers only to the burden which an accused has to discharge in his defence with reference to the permit, etc. So that, I submit that the criticism of section 16 has no justification at all.

" Then, Sir, I come to section 17. There is a feeling in me that there is some truth in the criticism against it. The section says: 'No Court shall have power to issue any injunction.' Generally Courts do not issue ex parte injunctions against Corporations or Governments, but in extreme cases the Court may do it. Though Courts have got the power they will exercise it only in exceptional circumstances. If the Government appear before the Court and prove that the Government have exercised the power rightly, the Court will dissolve the injunction. Therefore if the Court is asked not to issue an ex parte injunction against the Government in any event with reference to the matters in the Bill, then it is alright. But the Bill goes beyond that, and provides that under no circumstances the Court can issue an injunction against the Government; it means that the Court is deprived of its normal and legitimate power. An ex parte injunction need not be issued by the Court because it is the Government that acts, manned by capable men. But if it is intended that the Court should have no power to issue an order of injunction even after hearing the Government, the validity of the provision is very doubtful. The Courts have powers under section 9 of the Civil Procedure Code and I submit those powers cannot be taken away by section 17 of this Bill. I am simply bringing this view to the notice of the Government.

" There is one other matter which I wish to dwell on briefly. It is with regard to sections 9 and 10. My view is that the criticisms made against the Government with regard to these sections do not appear to be quite correct. Though the wording of section 9

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is a bit lengthy it simply says that any order passed with reference to the previous enactments, namely, the Defence of India Rules, etc., will continue to be in force if that order is consistent with the provisions of this Bill. Where is the harm? Why should the Government pass the same orders under the provisions of this Bill? I submit, Sir, there is nothing objectionable in clause 9.

"There is nothing objectionable in clause 10 also. Since the control has to be exercised with reference to the provisions of this Bill, there should be a provision in it to the effect that if there is any provision in any other Act or Acts inconsistent with the provisions made here, then that provision should not affect the provisions of this Bill. Section 10 embodies only such a provision without which the working of the Bill when it becomes an Act will be considerably embarrassed.

"If this clause is not there, and if there is an inconsistent provision somewhere else, there will be a clash in Court regarding the interpretation of the Acts. I submit therefore such a provision is absolutely necessary for the smooth working of this control Act."

* MRS. MONA HENSMAN :—"Mr. President, Sir, I will not take more than two minutes for what I am going to say and hon. Members may watch the clock and see that I keep my word."

* MR. PRESIDENT :—"I am doing that."

* MRS. MONA HENSMAN :—"Sir, I do feel that there is a difficulty in this matter of control. While appreciating the fact that prices soar and a Bill like this is necessary in many ways to control the prices of articles, I do feel that from the domestic side, if I may put it so, this Bill is rather threatening. The Hon. Minister provided in this Bill for further articles to be included in the schedule. And presumably it may work the other way also, namely, the elimination of one or two articles now included when not considered necessary in course of time. But I would specially point out that with firewood, charcoal, livestock and eggs included I share the fear which the hon. Members before me expressed of the word 'control.' It is a psychological fear and probably groundless. But when I was going round the markets yesterday, eggs costing 2 annas each or Rs. 1-8-0 a dozen, immediately they heard the word 'control' . . . (Interruption). I know in Moore Market where these eggs are sold and you can yourself go and buy them. Excuse me, I have done it more than once and I am right in my assertion. Immediately there is control, the eggs go underground and underground for eggs means destruction. It would either mean that prices go up or the eggs would not be available where they should be and where they usually are.

"Sir, with the rice ration, the unit used to be 12 ounces and 4 p.m. it is now two-thirds of that. We still have the same number of units for two-thirds of the ration.

"I am not disputing the unit power of the rice because I know that is a commodity not to be had, but I do feel that where the unit

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power is lessening and where you get fewer ounces for that very unit, the family has to make up on something else; and if livestock, eggs and other articles which may have to be introduced next month or the month after that, all the good that is covered by clause 18 of this Bill, and the principles of it also will I feel become rather a snare and a delusion. It is an illusion, Sir, to think that if nobody can sue or bring to Court or bring to law any officer of the Provincial Government who has taken any of these articles in good faith, this good faith will operate honestly. Well, Sir, some of the articles are destructible, some of them perish with course of time, and it may be that gentlemen of the future may seize articles, and they might without further control go round and travel and sell them as they do at enormous prices and what may well be called abnormal prices, and this clause 18 will prevent any redress of this wrong. They can be taken out of the schedule, these perishable articles, I think that will allay the panic. Two years is rather a long time, but I am sure the hon. Minister knows much better than I do as to why this length of time has been cut. The troops are leaving the country, and with more food coming in and more food being grown in the country, there need not be this two years' limit—I should think. This Bill is pessimistic in character, expecting the worst instead of the best—and legislating for more than is apparent to the eye."

SRI C. N. MUTHURANGA MUDALIYAR:—"Mr. President, Sir, there is no difference of opinion amongst us that this control of essential articles and the control of prices should continue. No doubt the Bill before us has recognized the necessity for such control and I am willing to support the Bill before us. But having said that, I shall not grow enthusiastic over this control affair. Because, however necessary this control is, it brings in its trail corruption and blackmarketing. That exercises my mind so much that I am even pessimistic as to what our Ministers are going to do in this matter of blackmarketing and corruption. It looks as though rather than the Bill being a monster, this corruption and blackmarketing are a great monster which no power on earth is able to put down. That is my impression, and after all, it must be confined to the control of very essential articles. No doubt several articles were controlled during the last war, but none of the articles were available to the public really and for the controlled prices. Even to-day dholl is controlled, still a measure of dholl sells at Rs. 1-4-0 now; chillies are controlled, but we get a viss of chillies for Rs. 3-4-0 or so, and rotten things at that. No doubt our friends will run against me—I refer to Mr. Suryanarayana Rao—if I accuse the co-operative societies. Co-operative societies are Government institutions and we have no grouse against the co-operative institutions as such; but there are co-operative societies and co-operative societies. In some districts the co-operative societies are managing very well and people are enthusiastic over the co-operative movement; but in other districts it is not so. Well, in my unfortunate Chingleput district, the co-operative movement is, if I may say so, rotten. The

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societies cannot be trusted; they are as bad blackmarketeers as the private merchants. (Sri R. Suryanarayana Rao: 'Question.') If chillies have risen up to Rs. 3-4-0 the co-operative societies are responsible for it in my district. And I may say with confidence that in my district the retail merchants do not purchase their articles in the co-operative societies. They get their chillies or dholl from private merchants through blackmarkets and sell their wares in retail shops either for control prices or even blackmarket prices. That is the position now. Under such circumstances, what is the use of keeping on this control? That is the impression that I am led to have.

“ Then, Sir, very many people have mentioned about the motor car control. Is it necessary? The motors are purchased, I am not speaking of the lorries; the pleasure cars are being purchased by very big, rich people who are able to pay for them; and people who have earned a lot by blackmarketing or people who have earned a lot by military contracts or even by corruption—it is those people that run after new cars. Moreover, Sir, they sell their old cars for much higher prices than the new cars and get their new cars. Under the circumstances, is it necessary that the motor car should be controlled? Let the rich people purchase it for any price they like and after all what is your control? The Government of India fixed the price of motor cars in July at a level, in August they raised the price by hundreds of rupees, i.e., the control price of the late Government of India. Then they fixed the price of motor cars from the 1st September and another Rs. 800 was raised for the cars. That is all the late Government of India's work. And what is this control that the Government of India are going to exercise now? Are the Government of Madras going to lower the price to the July level or to the pre-war level and fix the price or are they going to simply keep on the price, the raised price fixed by the late Government of India and then call it a control price? I wish to know from the Hon. the Premier who is in charge of this Bill what is the kind of control they are going to have in the motor trade. After all, if you are not going to lower the level of the price and fix the price yourself, there is no use keeping the control of the motor cars. There are so many other articles; there is kerosene, there is petrol, they are now selling at twice, thrice and four times the control price in the blackmarket. Why should you keep on these high prices and the blackmarket by keeping on the controls? After all, when the war is over, when kerosene is being made available, when petrol is available, why should this control be kept up? The Government should give up these controls and remove the controls on these articles. By doing so, you can remove so many departmental offices, and you can utilize some of the buildings for other purposes. You can send away some of the officers, thus stopping corruption to the extent of sending them away home. If you are conscious that some of those officials are honest sincere men, you can absorb them in other departments and send away the corrupt officials home. These things may be done and you can retrench your expenditure also, and

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that money can be utilized for other nation-building departments. That is all my concern, Sir. After all, the control of rice cannot be removed. It is so essential, it must be kept on; whatever blackmarketing may go on, whatever corruption may exist, we must keep on the rice control and the firewood control and also the sugar control. But I must mention here one thing. In the sugar rationing, like the firewood rationing, rationing goes by the salary that the official gets. Why? Rice goes by the number of persons that are in a family; rice ration has been lowered from 16 to 12 oz., and from 12 to 8 oz., and may be it will be lowered still to 4 oz. Each person has to cook his food and to boil his water and firewood is required for it. Therefore, firewood also must be on the basis of rice, i.e., on the number of members in the family. Sugar again cannot go on the basis of the salary of the officials. It is like the Palaniandavar who gets all the vibhuti abishekam; should sugar be used for the sugar abishekam of the high official? No; sugar is needed for coffee, for milk, for the sweets that he eats. But for that, there must be a limit in rationing. Sugar should not be rationed on the basis of the salary of the officials, but on the number of family members in a family. That is the standard by which you must fix the ration for sugar and firewood.

“Then, Sir, about cloth I would say a word or two. The officials in charge of cloth control are residents of Madras City. They think that the Madras people alone can wear 12 yards of cloth in the course of a year, but in the mufassal they have fixed 3½ yards. Why is it? Even the agricultural labourer who works in the fields wears a banian or a half-arm or shirt and goes to the field. The standard of living has risen. The village dweller has learnt from the city dweller and he wants as much cloth as the city dweller wants. Why should this distinction be made between the city and the village dweller, I cannot see. I think the old bureaucratic officials who were in charge of this department in the Advisers' regime have planned these things. I must advise the present Government to look into these matters, go into them thoroughly and decide the standard that is to be fixed in rationing sugar, firewood and such things.

“Then, Sir, I would advise the Government to go into all these matters from time to time. They have given a schedule in the Bill of 12 articles; they have taken power to include other articles that have escaped their attention when the schedule was prepared. They have taken power to include other articles, no doubt; but as I said, from time to time, they must be examining this schedule and come to a decision as to what all articles are thoroughly essential, what should be rationed and what need not be controlled; that examination they must do from time to time, at least once in three months and then remove such articles out of the schedule which need no control, and keep on such articles as are essential and which have thoroughly got to be controlled.

“Sir, these remarks of mine are intended only to advise the Ministers to look into all these matters and act in the proper manner to help the people of this country. I support this Bill.”

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* MR. PRESIDENT :—“ Any more speeches? We have spent two hours over this general discussion.”

* SRI R. SURYANARAYANA RAO :—“ It is a very important Bill, Sir. So many experiences have been narrated and there may be members who would like to speak.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I have to make one suggestion, Sir. I think it is better to restrict the speeches—this was followed in the Lower House—on the other side of the House; because they are all people who will support the Government. The Government must hear the other point of view, i.e., what this side of the House will have to express. Therefore, it will be unfair to Members on this side of the House if their liberty of giving expression to their views is restricted.”

* MR. PRESIDENT :—“ I have not so far restricted any speech, and if you want restriction, I have no objection.”

* THE HON. SRI K. BHASHYAM :—“ I just want to intervene for a minute. If the Opposition thinks that their members ought to monopolize all the speeches and they have to get advertisement in the papers, it will be then said that the Government are not supported in this Bill even by their own members. I do not think there can be any rule like that, that the Opposition alone can speak.”

* K. T. M. AHMAD IBRAHIM SAHIB BAHADUR :—“ Does the Hon. the Law Member think that we are speaking here for getting advertisement? Is it parliamentary, Sir, to use that expression against members of this House?”

* MR. PRESIDENT :—“ I cannot countenance any distinction between this side and the other. If you want control, I will control both sides.”

THE HON. SRI T. PRAKASAM :—“ So far as the Government side is concerned, there are very few who have been really speaking on this Bill, and they have not been speaking at very great length either. They have been speaking to the point whenever they wanted. I do not know why this matter came up, that on this side of the House there should be less talk. You can count to-day who have spoken and what they have spoken. I think it is quite necessary. You may permit some more gentlemen, Sir, to speak on this Bill.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, though I am tempted to answer Col. Iyengar . . .”

* SRI T. PURUSHOTHAM :—“ May I know your ruling in the matter, Sir?”

* MR. PRESIDENT :—“ I have given my opinion already. I am prepared to control both the sides.”

SRI T. PURUSHOTHAM :—“ Not with reference to one side only? Thank you, Sir.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I 4-15
agree with Lieut.-Col. K. R. K. Iyengar that the proceedings p.m.

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are ominous, and the prospect of any suggestion from any of us in the House being accepted by the Government is very remote. Still, Sir, we have to do our duty, and we shall content ourselves by consoling that action is our duty and truth is not our concern. This measure is the only measure, as far as I can see, introduced by Government in this session, which has not committed mistakes in drafting except, as the Hon. Prime Minister said, the printer's mistake 19 for 20. That is because they have faithfully followed the Defence of India Rules framed by the Government of India modified by experience. But one doubt, as many hon. friends who spoke before said, whether this kind of draconian legislation is necessary at all. Some of the provisions appear to be unusually drastic. I maintain, as they say, they are necessary for a war time period. But my submission is that though war has ended, and the emergency has technically ceased, I do not think the after effects of war have ceased. Speaking as an ordinary citizen, Sir, I feel conditions now are worse than what they were in 1942 and 1943 on the eve of a scare of Japanese invasion into this City."

* MR. PRESIDENT :—" On a point of information. I have been receiving representations for the past two days from various hon. Members as to when this Council is going to finish its sittings. So many hon. Members have been telling me that if I can give a date they can reserve accommodation in the trains. This afternoon also I had such a representation made to me. If you help me to finish the discussion soon, we may at least finish by 2 o'clock to-morrow. It is only with that view I want to curtail the speeches. If hon. Members have no objection, I have no objection to sitting to-morrow, and the day after to-morrow. I do not want to prevent any member from speaking. I want the House to understand my view in the matter."

* SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, we know that you are not curtailing the liberty of Members of this House. I know—and hon. Members who have expressed their desire to speak also know—that you are not curtailing our liberty, but you are only assisting the passage of this Bill as quickly as possible.

" I feel circumstances have not changed to such an extent as to enable any Government to look on when all these controls are removed after 30th September. It would have greatly assisted this House if the Government had taken us into their confidence and told us what is likely to be the policy of the Government of India with regard to these controls. Many friends have been asking me why food and clothing, which are vital for our existence, have been omitted from this schedule. I wish that Government should assure the public that though they (food and clothing) do not find a place in the schedule, they (Government) expect the Government of India to pass an all-India legislation, as food and cloth have been dealt with on an all-India basis up till now. But that apart, this Bill does look, as I said, as a piece of draconian legislation. But these powers the Government propose to take

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in order that there is no chaos after 30th September 1946. When controls are to be removed, they should be removed slowly and steadily as the community begins to adjust itself to the supply of their essential needs. I hope, though the power has been taken by Government, it will be used very sparingly, however strong the Government may be with its large majority. I am sure some generally like to make use of these powers with a view to harass the people. Unless there is absolute necessity, I am sure the Government will not use any of the powers given to them. There is a fear, and that fear has been expressed, I am afraid, even by members of the Government Party, that these powers may be used sometimes by over-zealous officials in order to inflict some loss on the citizens.

“ I would like to point out to section 5 (2) (b). I have to make a specific mention that it does not make any provision for appeals against the decision of the arbitrator unless the amount involved in the arbitration is above Rs. 2,000. Many of the poor people whose properties may be involved may not at all go above Rs. 2,000. That means, they are deprived of an opportunity of going to a higher court to get such amends as they would like. Then there is section 8 (2) under which powers are delegated. I am told—I am not a lawyer—it is usual to make mention in a statute the officer to whom such powers can be delegated, for example, an officer not below the rank of a Sub-Inspector. We see such provisions made in various enactments. Under this section, Sir, as one friend told me, even a village *talaiyari* may be empowered to commit acts over which the ordinary citizen may have very little scope for appeal. The Hon. Mr. Muthuranga Mudaliyar drew attention to the schedule. Before I deal with any item in the schedule, I wish to point out that in section 2 there is a provision for including further articles in the list. There is no provision for deleting the articles. ‘ Essential article ’ means any of the articles which is specified in the schedule to this Act and any other article which may be declared by the Provincial Government by notified order to be an essential article. There is no provision, as far as I can see, in the Bill by which Government can remove an article, a declared article, from the schedule. I think Government must have that power to include as well as to exclude articles from the schedule. I come to item 12 in the schedule—motor vehicles. I remember, early in my public life, a committee called the Indian Taxation Committee came to this City. I happened to be one of the witnesses and in the course of my evidence I suggested that heavy import duty should be imposed on motor vehicles, because they come under luxurious articles. I was severely chastised by an Anglo-Indian paper for that, but that chastisement and the passage of time, has not changed my view about motor vehicles. Motor cars are a luxury, and should not find a place in essential articles. (Mrs. M. Hensman: ‘ Even for members? ’) For anybody. How many can afford to buy motor cars? Are we not going about without motor cars? Is it an essential article like food, like firewood, like charcoal, like livestock—as Mrs. Hensman said how essential they

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are to her? Why should it find a place here? It may be that motor vehicles may find a place in the all-India legislation that they may pass extending to more than one Province. If the Hon. Prime Minister wanted motor transport, such as motor buses, motor lorries, they could have been specially mentioned as motor lorries. Motor vehicles is a general term including motor cars. Our venerable Mr. Muthuranga Mudalivar was stating the experience of those who applied for permits. Those who apply for permits may fret and fume, but the ordinary citizen is least concerned with motor cars. We want all those essential articles for the community, especially for the poor man, should be controlled, and to that extent the essential articles given in this schedule perhaps will have to be altered, amended and some of them even deleted too. With these words, Sir, I appeal to Government not to make use of the provisions because the Legislature has invested them with these extraordinary powers, meant for a time when conditions were not as propitious as they were, and that they would use them sparingly more to promote the interests and well-being of the community than for the exercise of the powers invested in them."

4 30
p.m.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, I was least inclined to speak on this Bill but for some of the remarks that fell from the lips of some of my hon. Friends here. Sir, whatever might have been the necessity for controls during the time of emergency like that of a war, I for my part, do not feel that there should be any controls at all after the war is over and when we are returning to normal conditions. After the last Great War, I found that without controls we returned back to normal conditions very soon. Therefore, I feel the more there are controls, the greater becomes the black-marketing. I come from Pallavaram where there was no control till a few months back and we were able to get rice without difficulty. But now it is difficult to get rice in spite of the fact that we produce our ration cards and the rice that we get is very bad. People who can afford to pay more get rice in the black-market. Therefore, the greater there are controls, the more scope there is for black-marketing.

" The other thing is this. Here we have this Government—the popular Government. Controls were introduced, as I have already said, in times of emergency by the Advisers' regime; there were Ordinances and now we feel as if we are going through Ordinances again. If you enact three or four enactments taking all power I think there will be an end to the necessity of the sittings of this Legislature. There is no need for this Legislature to sit and deliberate upon them, because every power that is possible under the sun, on the face of the earth, is being taken away by the Government and therefore there will be no necessity for the members to come here and sit. Now, Sir, if at all we come here and give expression to our views, with all due respect to the members opposite. Sir, I feel, as I have expressed, greater chances of expression should be given to the Opposition. You cannot be disposing a measure like this in two or three hours; it is a very important enactment

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and such an enactment should be discussed threadbare in all details and people should be enabled to give expression to their views. It is not for the sake of publicity as my hon. Friend, the Law Minister. Mr. K. Bhashyam has said (an hon. Member: 'It is for seeking publicity and advertisement.') I think he was very unkind to the members of this House; he was discourteous. I am not going to say whether it is unparliamentary or not; it is for you to decide. but it is wrong on the part of the Law Minister and members on the other side to say, we are for publicity. Let me assure my hon. Friend, Mr. Bhashyam, that some of us have got opportunities of getting greater publicity than members of the other side. I am the editor of a newspaper. (The Hon. Sri K. Bhashyam: 'That is how you are seeking publicity.') You are attributing motives of seeking publicity. As a matter of fact, the other side is seeking publicity. I am the editor of a paper and I can get as much publicity as possible because I can myself write in my paper and get as much publicity in quarters where I need publicity. Therefore, what I say is, it is not for the sake of publicity but it is for the sake of making people know that we are seriously deliberating upon important questions like this. If the Government benches feel that this is really a good measure, simply say, we move this Bill and you pass it, there will be no question of discussion at all. Therefore, when they want to have powers, extraordinary powers, they must think twice before they do it. They want powers which were given to the Advisers and to the Administrators by the Defence of India Rules and the Defence of India Act. Now there is a popular Government, if I may say so—I would only call it a so-called popular Government—there is a popular Government at the centre and that Government has taken the place of the previous members of the Executive Council and it is the duty of that Government to find out whether there is a necessity to extend the provisions of the Defence of India Rules and the Defence of India Act. If they do not find the necessity for that, I do not think we will be justified in rushing through this legislation. (Interruption.) My hon. Friend asks me whether those people are irresponsible. I for my part feel, whatever may be my differences politically, I know they are responsible people and they will certainly know their duties and they could discharge their duties to their utmost ability. After all they are there and if we have confidence in them, they will, leaving aside everything else, do their duty by the country and we must only wait and see what they are going to do.

"That is one point. The other point, I feel, is if at all the Government wants to take power, this other aspect of the question I want to place before them. They should not be duped for taking over power. Either take power to control completely or leave it to the people to decide for themselves. You are sitting on the fence. They say, they are going to control. On the other side, there is no control as a matter of fact, because they are encouraging black-market. My hon. Friend, Mr. Narayana Menon, spoke about motor cars. Of course, there are people fortunate and unfortunate—some people are fortunate and unfortunate, both, simultaneously—some people get permits and what are these permits

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for? Some people do not get permits and grudge and some get permits because they are fortunate. As I have said, I want the Government to take complete control. If you go and ask the motor companies, they say, Government have freezed all the cars, and they give them only to people whom they like so that the real necessity is not met. Permits are given to a number of persons but only three or four cars come and the company owner sees who is the wealthiest man who can give him more money. For instance, there are six permits but only three cars. I have experience of it. Even this morning when I went to a motor company I was told by the company, there are six permits but only three cars. He says, what can I do; the Prime Minister has freezed one car; the Minister for Transport another car and so on. Because he said, the Prime Minister had freezed one, I asked the Prime Minister and he said, no; I am not going to have a car. That is the attitude, the generous attitude of the hon. the Prime Minister, but the black-marketing is going on. Here the Prime Minister says this but the owner of the company says, I have got six persons before me with permits, they will give me more money and why should I give you a car at the controlled rate. Therefore, I submit to the Hon. the Prime Minister and the Minister in charge of Transport that as soon as these cars come, if you are going to control, control them properly and let there be rigid control and if cars come, freeze them and give them to whomsoever you want. I depend entirely upon the discretion of a good man who can give them to those who stand in need and let there be no complaint about it. Let us not be hanging on these people, namely, the owners of motor companies and feel that fortunately or unfortunately, having got permits we are not able to get cars. (The Hon. Sri R. Raghava Menon : ' So we want power. ') If you want power, take power completely and do not leave it in the hands of these people who are black-marketing; you are allowing black-market. There is this tendency. My hon. Friend, Mr. Bhashyam, may excuse my tendency for advertisement if I say, they are not doing good to the people. (Laughter.)

" Then, Sir, I am not going to say much about this but what I would submit is I agree with my hon. Friends here that there is practically no necessity for this legislation. I would also submit that if you want normal conditions to be restored, you must allow some margin of time. It is something like the convalescent stage of a patient. We are in the convalescent stage; we went through the period of war and from war, we are coming to normal state of peace and unless you are going to relax all these controls and see that people get through this fire, it will not be possible for us to accustom ourselves once again to ordinary life; unless the controls are removed, people will not be able to give up that attitude of black-marketing, that spirit of black-marketing, and people will not be able to purchase things at ordinary prices. That is human psychology. Supposing you say, you are not able to get a particular thing; supposing people say, I cannot get four yards of mull, I will be only very anxious to get mull at whatever price it will be possible for me to get it. On the other hand, if people say, I can

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get hundreds and thousands of yards of mull, I may not go to get any mull at all. This psychological desire in me to purchase things at higher prices is created by the imposition of controls. Therefore, Sir, I say if you want people to return to normal and natural life, it is better to avoid controls and allow people to go on in the usual manner they were doing before the war. In spite of the fact that you have given them chances to come back to normal life, if you still find that there is necessity, you are here; the Legislature is here; the Government of India under your Government is there, and you can resort to any legislation; you can rush through them as you are doing now and place people under any ban or any control."

* SRI A. GOVINDACHARLU :—" Mr. President, Sir, I wish to make a few remarks on this important Bill. Articles that are now controlled can be classified into four varieties. That is, international goods and commodities, inter-provincial commodities and inter-district commodities and local goods. As far as controls are concerned, though there is no war now, the atmosphere that has been created by it has not ceased. As far as international goods are concerned, there must be some sort of control because controls are still existing in international markets and unless foreign countries give up this controlling system, we also cannot give up these controls as far as international goods are concerned. As for inter-provincial goods, certainly we can give up controls but Sir, the Central Government should take it into its head to issue some sort of law giving up all these controls so as to see that all the provinces get whatever goods they want, that is, they must restore free trade. As for inter-district goods and local goods, you can make law but there is no need for it. For inter-provincial goods, the Central Government have to make law to control them. We have the Congress Government there, and I am sure, they will introduce measures to give up these controls. As for inter-district and local goods, we need not have any sort of control and we can leave them to natural causes of supply and demand. So, I do not see any need for this legislation now but at the same time, since the Government of India has not still moved in the matter, we may have this legislation for some time to come. As some of our friends said, the more we have these controls, the greater will be the corruption. We see, even though the Congress Government has been functioning for the last five months, corruption, I am sorry to say, has not ceased; it is still going on. The more you control, as my hon. Friend, Mr. Muthuranga Mudaliar said, the goods go down and disappear and along with it, the morality of the people also is being dragged on to unknown channels. I wish of course to support this measure (laughter) though at the same time, I would appeal to the Government to move the Central Government with a view to give up controls."

THE HON. SRI T. PRAKASAM :—" Sir, I was expecting this House and the hon. Members of this House to throw fresh light on the real light on the present Bill when they were examining

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whether this emergent Bill is needed or not. I expected hon. Members of this House to look back and consider how the present situation in the country, the present famine in food, cloth and almost every other article, came upon this country. If they had only taken a little more care to understand how this country had been rendered utterly helpless on account of the original plan adopted by the Government of India and tied up not only India but other countries, with one hand, as it were, taking all power, taking away all the goods produced, not only in India but in every part of the world and concentrating and making one man responsible as the custodian of all the goods and for their regulation, distribution and supply, we would not have been looking into the Criminal Procedure Code, the Penal Code, the burden of proof and all these things. Practising lawyer, as he is, Dr. John who gloats over his practice and other knowledge also within him, with this information I hope he might be able to study and write a treatise on this matter at his leisure when he has and when he can command some time.

“ Sir, the whole thing has gone the wrong way so far as this country is concerned. If this is a country, and this is a province in which we live had been allowed to live our own life, there would never have been any famine; there would be no need for any people to complain; there would be no need for control. How have we come to this process of goods being assigned, brought and commandeered by that Central authority, from other countries and allotted for us and while they were coming on board the ship, suddenly they were ordered to leave this line and go to another place? How did the power go into their hands in such a matter of life and death? This is not a matter to be lightly dealt with by saying burden of proof, it is not this one, it is not that one and so on. What is the position to-day? Where are we to-day? We wanted to order rice, even going out of our way, having regard to the supply of rice and food to our own country, because of the scarcity, and the impending danger in the next two months, because even though Providence had given rain for us, crop would not be coming before the next harvest. Meanwhile, for two months, if there is no supply of food for the people, what would happen? So, this department has been making calculations hour to hour, day to day, month to month and trying to scrape as much as possible from whichever source they could get. Last time, they made an offer to give a bonus to all those persons who have been concealing paddy and playing false to their own countrymen without realizing the difficulty. By this means, of giving bonus, we got something. I think in our own country, the spirit of patriotism has not been cultivated and has not reached the proper stage. What is the good of merely lecturing. There are goods still, I have no doubt, but we are trying to get at them. Some hon. Members feel, Oh, you cannot do all these things in one day; this has not been done; that has not been done and black-marketing is going on. Black-marketing is going slowly which you cannot perceive with your eyes but when final accounts are shown to you in a few months,

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you will then realize how black-market prevention has been working. What is the position to-day? There will be no rice for the next few months unless the rice comes from those hidden sources and the secret stores of some few people. What is the method we should apply now? Americans and foreigners are very clever men. They knew our feelings, stupidity and ignorance and they take advantage of them; they have come to us also; they give rice packets, small parcels, costing five annas each and one packet will suffice for two meals. They came here and captured some of us also. Looking round all sides and seeing that goods were not forthcoming for us, why should we not order for this stuff? We are prepared for it and the total cost of it would be Rs. 24 lakhs. We do not wish to order for them for the sake of pleasure and throw away Rs. 24 lakhs upon the foreign merchants. Yet, some people rush up by saying, you are ordering rice which is useless, which is coloured and which is not good for eating also and why do you not give this opportunity to the people of this country itself? We can produce and supply this kind of rice and so on. When that gentleman came to me with another friend, a member of the Assembly, he said, when it is available here, why do you order for so much rice. Then, I told him, it is no pleasure to spend Rs. 24 lakhs on rice from outside countries. Now, I will ask you, you better supply what you have got in your house; you better get from all your other friends, where they have got this stuff secreted in their stores. We will stop this and not order from outside. Then he expressed his fear and said, if I do it, I may be prosecuted. But I said, I will guarantee that you are free from prosecution but do come and help us. Dr. John should go to those places, plead with them not in the manner you do in a court of law, where you are making money in tons but induce them to give the stuff they have. We are doing our best to get at those people to-day. We are willing to convert this Rs. 24 lakhs into some kind of bonus though it is not proper on our part to do so, yet we are ready to give them. This is the sort of help which Dr. John and all other friends in the country ought to be giving to the country under present conditions. I do not blame you because you are not actually working at it. We do not know the details of the suffering. That is why things go wrong like this. As we have been in it and knowing it and how to get over the trouble immediately is the point before us. Therefore it is from that standpoint you have to judge the position.

“ So far as this bill is concerned, do you mean to say that we have not realized that we should not throw the burden of proof upon the accused person? Do you mean to say that we do not know that the prosecution should not take advantage of the unfortunate man's position? We know deliberately that there are people in this country, however much we have been solicitous to them who are sitting tight upon the stuff they are holding and are not willing to give it up. That is why we are forced to go from post to post, from area to area, begging them and asking the Government of India people. Dr. Rajendra Prasad has become the Member for

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Food in the new Government of India; he is being worried over the whole matter and the correspondence between our Government and Dr. Rajendra Prasad will be revealed to you later on. He has promised to come here. Again that is not a small matter. He has taken charge and what has he taken charge? Democracy, democracy, your urge; you say democracy; then you go on haranguing on every subject, saying there is the democratic Government. This democratic Government is carrying on the most undemocratic duties that were thrust upon us from above. That is why I say the Government of India was not justified in the first place in having taken the whole power—not the present Interim Government—but the former Government was not justified in commandeering, and taking charge of production, distribution and everything concerned with human existence practically into their hands saying, we will give you according to our regulations; whatever we send you better take it and be satisfied with whatever we give you—12 ounces to 10 ounces, 10 ounces to 8 ounces, 8 ounces to 6 ounces, that is the latest stage which we are reaching to-day and which you are not aware of, because we have not yet announced whether our rations should not be reduced to 6 ounces. We are resisting it even though these proposals are coming. We know our duty to our countrymen; but if you think of reducing the rations to six ounces, what will be the position? Why would this Bill have come here but for the crisis that has been going on. There is nobody to hear us in the Central Government. The other day, in the other House, there was a serious debate and the whole thing was communicated to the Government of India and what was the response? The response is a long letter from the Food Secretary of the Government of India. Then I referred the matter to Dr. Rajendra Prasad to look into that long letter of the Food Secretary—he is now the Member and that gentleman himself is now his Food Secretary—to look into the Food Secretary's letter and to look into my letter and to compare them. I am going to Delhi on the 23rd and we shall compare notes then and understand things. What Dr. Rajendra Prasad has inherited was what the other people left. What they have done? The whole control is here. The person who has got the power to distribute, accumulate and supply the whole thing is somewhere in the Centre. What the Secretary writes is, nothing will be done. What a struggle, it cannot be imagined by the hon. Members of this House, because all these facts have not been disclosed to you before. It is from that standpoint you have to consider. Everything is in their hands. If you get anything, you will have that. You have got the land here; you have every facility; God has given some rain also in time. Even then it is not a thing we can produce in a few days and even the short crop you cannot produce. How things have improved, we are not able to place before you now. How co-operative organizations have spread and how procurement has been secured and how distribution has been made, all these things would be a matter of history a few months later. When you look into the whole point, there is no stock

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at present on hand. It should come at present from other places and you should use only what comes from there. Otherwise, you must live or die, that is the position. Therefore, this Bill has been copied. My hon. Friend said why should this Bill have been copied from the Defence of India Rules; it was copied because it was a fate and a misfortune. I can assure hon. Members who expressed their statement, it should have been copied entirely. I agree with you because you have not been a free agent but reduced to the position of a slave; you have not been able to move about and produce and eat what you have got here. We are merely obliged to copy and bring in a legislation. This is not invented for the first time. The Interim Government sent a copy of the Bill that they intended to pass and they have also given power to adopt our own suggestions to make the best of the situation in regard to the matter with the help of people, even by putting extreme pressure upon them, we would like to continue until next March. Hon. Mr. Muthuranga Mudaliar told you about the Chingleput Co-operative Society. We have taken note of it and the first thing we will do will be the Chingleput Co-operative Society, of which you have mentioned publicly in the House. We will overhaul it and if there is any need, give you a new organization altogether to make it function in the manner in which those organizations have been functioning in other places where you have established them. You should not get despondent because there are some dishonest men; everywhere, you find dishonest men and we are trying to get at all those things slowly. Since it is now 5 o'clock, can I go on, Sir."

* MR. PRESIDENT:—"I would like to finish the Bill to-day."

THE HON. SRI T. PRAKASAM:—"I am ready to sit up even late."

* DR. V. K. JOHN:—"It seems the Hon. the Prime Minister has got much more facts than we do not know:"

* MR. PRESIDENT:—"May I suggest to the House that we take it up to-morrow. The Hon. Premier might continue to-morrow."

The House then adjourned to meet again the next day at 11 a.m.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *The Madras Buildings (Lease and Rent Control) Bill, 1946* (L.A. Bill No. 4 of 1946), passed by the Assembly and received therefrom in the Council.

2. *The Madras Preservation of Private Forests Bill, 1946* (L.A. Bill No. 7 of 1946), passed by the Assembly and received therefrom in the Council.

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APPENDIX

[Vide answers to starred question No. 84 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 13th September 1946, pages 457-458 supra.]

Referred to in clause (a) of answer.

Statement showing the scales of pay in the Legislature Secretariat and the other Secretariats.

Designation.	Legislature Secretariat.	Other Secretariats.
	RS.	RS.
Officers—		
Secretary	1,000—50/2—1,500.	Governed by the scales of pay in the Indian Civil Service.
Deputy Secretary	550—50/2—900 ..	
Assistant Secretary	250—40/2—450 ..	500—50—800 old scale. 400—75/2—700 new scale.
Non Gazetted—		
Superintendents	175—350	Same.
Upper Division Clerks	60—10/2—120—15/2—150.	Same.
Lower Division Clerks, Typists including Steno-typists.	40—3/2—55—5/2—70.	Same.

Referred to in clause (c) of answer.

Secretariat of the Madras Legislature.

Designation.	Existing pay.	Pay as recommended by Salaries Committee.
	RS.	RS.
1. Officers—		
Secretary to the Madras Legislature.	1,000—50/2—1,500.	No revision.
Deputy Secretary to the Madras Legislature.	550—50/2—900 ..	Do.
Assistant Secretary to the Madras Legislature.	250—40/2—450 ..	Do.
2. Non-gazetted staff—		
Superintendents other than Superintendent, Cash and Current Section.	175—350	190—10/2—200—30/2—260—40/2—300—50/2—350.
Superintendent, Cash and Current Section.	175—15/2—250 ..	190—10/2—220—15/2—250.
Reporters	100—10/2—160—15/2—220.	120—10/2—130—15/2—265.
Upper Division Clerks	60—10/2—120—15/2—150.	70—10/2—90—15/2—180.
Private Secretaries	40—130	50—10/2—100—12 1/2—150.
Lower Division Clerks	40—3/2—55—5/2—70.	48—4/2—60—5/2—85.
Typists including Steno-typists ..	40—3/2—55—5/2—70.	48—5/2—60—5/2—85.
3. Inferior Service—		
Council Dubash	45	55.
Attenders	19—30	24—37
Duffadars	17—22	22—1/2—27
Chobdars	17—22	22—1/2—27
Peons and lower grade Chobdars.	12—17	16—1/4—24

* With Presidency Allowance of Rs. 2-8-0.

† With Presidency Allowance.